

The Nation.

NEW YORK, THURSDAY, APRIL 17, 1879.

The Week.

THE New York *Times* has taken the trouble to make enquiries through 170 correspondents, in every State in the Union, at 1,000 localities, of well-informed persons of various classes and conditions, as to the candidates most in favor for the next Presidency in the Republican and Democratic parties respectively. The enquiries at 130 "points," out of 157 show Grant to be the Republican favorite; at 98 "points" out of 157 Tilden is the Democratic favorite. The other competitors may be said, in racing parlance, to be "nowhere." This mode of ascertaining election prospects is, of course, simply an amplification of the process called "straws," which appears in the newspapers during the campaign, and in which anonymous letter-writers communicate the result of a vote taken on the railroad train, or on the ferryboat, or among the workmen in a sugar-refinery. Its value depends almost altogether on the character and capacity of the 170 correspondents and of the persons whom they sound. As long as their names are concealed their letters are simply a huge "straw." Nevertheless, as we have said elsewhere, the result will be found to tally with the experience of most people as to their own circle of acquaintance in this part of the country.

The *Times* confesses that Grant is by no means its own choice, and, indeed, deplors the prospect for obvious reasons, while accepting it with resignation. It does not point out, as it ought to have done, that old Dr. Dwight's saying with regard to the Democrats, "that while he did not maintain, by any means, that every Democrat was a horse-thief, he did maintain that every horse-thief was a Democrat," may, by a slight paraphrase, be applied very aptly to the supporters of the Grant movement. That is, while it is true that there is a large body of respectable Republicans amongst them, it is also true that there is no Republican whiskey-thief or corruptionist of any description, defrauder of the revenue, bribe-taker or bribe-giver, worthless or lazy custom-house or other officer, rascally blackmail editor, knavish contractor or ring-master; no jobber in offices or perquisites; no drunken loafer or gambler; no enemy of improvement in any branch of the government, who is not a hearty and vociferous "Grant man," and who is not now rubbing his hands over the chance of seeing "the old man" back in the White House. This is an undeniable fact, proofs of which could be readily collected at 200 "points" and by 200 correspondents at least, and it is worth pondering.

We hope the *Times* will now institute a similar enquiry as to the popular preferences for the second place on the ticket in each party. We have little doubt that if conducted by the same machinery it will show that at a great majority of the "points" Pelton and Babcock are the favorites for the Vice-Presidency. They are certainly the legitimate candidates. Each has stood high in the confidence of his chief, is familiar with his inner counsels and views, and with the precise process by which he would save American society, and should, therefore, occupy the position in which he would in case of accident to either of "the old men" succeed to the Presidency.

The debate over the Army Bill is raging in the Senate, Mr. Blaine having been the principal speaker during the week. He made very good use of figures in ridicule of the Democratic fear of oppression by the Army, showing that the whole United States force in the Southern States would furnish only one soldier for every 700 square miles of territory, and only 70 to every 1,000,000 inhabitants. There are none in Virginia, or Kentucky, or Tennessee, or Missouri, or Mississippi, and only 30 in North Carolina, 120 in South

Carolina, 57 in Arkansas, 32 in Alabama, and 239 in Louisiana. Of course these are not sufficient reasons for allowing a law to remain on the statute book permitting military interference at elections, but they are a complete answer to the claim of urgency for the measure now before the Senate; they show that it was very foolish to have made an extra session necessary to pass it, and to have tacked it to the appropriation bill now. The case of Mr. Bell was decided on Thursday, agreeably to common sense and the Constitution; a result, of course, not brought about except by Democratic votes. Mr. Bell was admitted to a seat by 35 yeas to 28 nays, among the latter being Senators Conkling and Carpenter. On Monday, the Vice President being called from Washington, Mr. Thurman was chosen President *pro tem*.

The House proceedings have not been lacking in variety. On Wednesday week the entire session was consumed in considering the report of the Committee on Rules. No objection was made to the revival of certain select committees, on the census, the yellow fever, the civil service, on the "state of the law respecting ascertainment and declaration of result of election of President and Vice-President," etc.; nor to increasing the membership of the most important standing committees, as the Committee on Coinage, Weights, and Measures (to eleven), Ways and Means (to thirteen), Agriculture, Judiciary, Elections, Commerce, and Appropriations (to fifteen each). But an additional rule, requiring a three-fourths vote in order to suspend the rules and pass a general appropriation bill, was attacked with great vigor from both sides of the House. The tenor of the debate which arose showed clearly that the scandalous method of passing the River and Harbor Appropriation Bill was the evil aimed at by the new rule, and defended not only by Mr. Reagan, of Texas, but by Mr. Conger, who represents the Detroit River. The opposition prevailed, and, turning the tables, secured for the Committee on Commerce the same privilege to report river and harbor improvement bills that is accorded the Committee on Appropriations in reporting general appropriation bills. Next, the Committees on Ways and Means, Banking and Currency, and Coinage, Weights, and Measures, were given leave to report at any time, and a majority authorized to fix a day for the consideration of any bill thus reported, and to continue the consideration from day to day until disposed of. These rules make log-rolling easy, and invite the wildest financial legislation. They are all the more mischievous because Speaker Randall has not counteracted them by the composition of his committees. Of one-half of these (26 out of 52) the chairmanships are assigned to Southerners, including those on Banking and Currency and on Coinage, which as now constituted are in the best possible shape for promoting inflation and the fulfilment of the silver curse. Mr. Hewitt's Labor Committee has been humorously handed over to Hendrick B. Wright, the Pennsylvania Communist. The Railroad Committee is doubtfully adverse to the Texas and Pacific Railroad subsidy. The Ways and Means Committee is likely to avoid extreme views on the tariff question. General Bragg has been very properly placed at the head of the Committee on War Claims. The Appropriations Committee has been judiciously selected, and considerably strengthened intellectually as well as numerically.

On Monday the Republicans successfully filibustered away the morning hour, over a point of order neither raised in good faith nor capable of being sustained, and so prevented the introduction of sundry bills by the Greenback party and Mr. Stephens's select company of silver maniacs. All these measures, however, found a side entrance under the guise of petitions, and were *ipso facto* referred to their appropriate committees; but a declarative vote taken on the same day against meddling with the tariff or the currency at

the present session showed that their chances of being passed, if reported, are very slight. The main business with the House has been the Legislative, Executive, and Judicial Appropriation Bill. On Thursday the inflationists incautiously furnished the President with a new and substantial excuse for vetoing it, by inserting a provision that \$10,000,000 to meet the arrears of pensions should be taken from the greenback reserve, held for the redemption of the fractional currency. On Tuesday, General Bragg sought to insert a clause repealing the law creating the Southern Claims Commission; but while this touches too many interests and feelings, North and South, to be likely to succeed, it promises, as we go to press, to ensure the adoption of the plan proposed at the last session by Mr. Potter, in accordance with which all pending and future claims must first be passed upon by the Court of Claims, and can only come before Congress for action with the endorsement of that tribunal.

The negro movement towards Kansas has somewhat fallen out of sight during the week, but it appears to be uninterrupted. Its political significance is now little insisted on. An apparently well-informed writer in the *Herald* of Monday, a Southern clergyman, recalls the very considerable migration to Texas from Tennessee and Kentucky begun as early as 1870, and still stimulated by land agents, whose plan is to send off only small bodies from each locality, in order to avoid alarming the whites. Kansas began to be attractive, within this writer's experience, even in 1875. He considers the prime cause of the unrest of the blacks to be the huge disappointment in their ideal of "freedom." They expected it to do more for them, to make a greater change in their mode of life, and to furnish them with an independent outfit in the shape of land and mules. Hence the notion readily sprang up that freedom could be realized only in a Free State. But more important than such considerations is the undoubted fact that the landlord and the storekeeper have, from the want of capital on the negro's part, ruined him with liens upon his crops and his land and implements, advancing him money at extortionate rates, and charging him enormously for all goods obtained on credit. In fact, in some parts of the South, though by no means in all, his condition closely approaches that of the unfortunate ryots of British India, the amelioration of whose condition is one of the most difficult as well as urgent problems in the government of that country; they are virtually the slaves of the usurers, and seem incapable by their own unaided efforts of throwing off the crushing weight of debt which rests upon them and their posterity. At the South, the dependence on the storekeeper affords a simple means of exerting political control which is not neglected.

Dr. Cooke, the President of the Claflin (colored) University in South Carolina, who was accused by the *Tribune* of having voted for Hampton in 1878 because he had been assaulted in a railroad train in 1876, but wickedly denied it, has been writing a letter to a convention of Northern residents at the South recently held in Charlotte, N. C. The wretched man, who is originally from Massachusetts, reports "that in no State at the North do the colored people enjoy superior rights to those enjoyed by them at present" in South Carolina. He, moreover, has the audacity to assert, after eight years' residence in the West, "that the South presents greater inducements to settlers of small capital than any portion of the country with which he is acquainted." This malicious assertion was doubtless suggested to him by the story of the *Tribune* correspondent who exposed him last winter, that he (the correspondent) had ridden eight miles from the town of Kingstree along a road lined with negro farms. Cooke's persistence in his stories of Southern peaceableness is a shocking spectacle, but is doubtless the result of recent corporal chastisement, and is a "Tilden move." The Convention received letters from a large number of Northern settlers in various parts of the South, many of them old Union soldiers, testifying in the most brazen manner to the peace and prosperity they enjoyed, and trying to show that there ought not to be any ill-feel-

ing between North and South, well knowing that ill-feeling is at this juncture of the highest political importance.

We are informed that the first news of the death of Judge Robinson, of the Court of Common Pleas, reached Governor Robinson in the shape of thirteen applications for the vacant place from members of the bar in this city. Since then the number has risen to over fifty, and is steadily rising. This is very gratifying in one way, as it shows the existence among us of a greater amount of judicial talent than most people suspected. On the other hand, it raises the question whether we have enough judges "to meet the wants of trade," as the inflationists say. Upon the principle held by so many financiers in this country at present, that we cannot have too much of a good thing, it would seem as if our supply of judges was deplorably short. We get our justice from our judges, and the more judges we have, therefore, the more abundant will our supply of justice be. Therefore, we say that the bench ought to be elongated until every member of the bar who wants to be a judge has a place on it. The increase might be "based," as in Mr. W. D. Kelley's plan, on the issue of 3.65 bonds; that is, whenever a judge got tired of the bench or thought himself superfluous he might draw bonds enough from the State treasury to keep him comfortably until his services were again wanted, and then pass in his bonds and begin adjudicating again. Whether this be a good plan or not, it is certain that the bar will not submit much longer to the present miserable smallness of the bench, and any politician who tries to stem the tide of their discontent will find he has made an enormous mistake.

By the death of General Richard Taylor this week in this city one of the most striking and characteristic relics of the "antebellum" period at the South has passed away. He was in more ways than one the typical representative of an extinct society, and for this reason alone was an interesting person. But he was besides this a man of many gifts and graces. He started in life with peculiar advantages, and had a wide experience of the world while still young. He was in his early days a great sugar-planter, when sugar-planters were a baronial class; was an excellent politician in the time when politics were managed by a few wealthy men; showed himself a good brigadier under Jackson in Virginia, and was probably a good strategist, though his afterwards defeating Banks in Louisiana did not prove it. He came out of the war ruined, but never lost his cheerfulness and vivacity, and remained to the last a gay, brilliant, but thoroughly "unrepentant rebel," with a hatred of the new régime and a belief in gentlemanly government which carried one so far back as to have the air of a joke, which he himself enjoyed. He won the esteem of a good many men to whom his politics were simply a curiosity, and was followed to the grave by the regrets of a great variety of mourners. The appearance of the present and late Secretary of State, Mr. Evarts and Mr. Fish, among his pall-bearers, in a Northern city, was a curious illustration of the distance which separates us from the war, and of the hollowness of all attempts to revive its passions.

The Massachusetts Legislature has by majorities of two to one in both houses passed a bill securing what is called "school suffrage" for women. That is to say, every woman who is a citizen of the Commonwealth, twenty-one years of age, and possessed of the other qualifications of male voters, may participate in the election of school-committees. The same privilege has lately been accorded in New Hampshire, and still earlier in Kansas. The admission of women to the Boston school-committees had paved the way for the larger liberty in Massachusetts; but both the one and the other are a natural outgrowth of the enormous part allotted in our educational system to female teachers, as in no other country in the world. In the public schools of the United States, according to the last census, they outnumbered the male teachers by nearly fifty per cent.; but when abstraction is made of the South, where in only four instances (Delaware, Maryland, Virginia, and Louisiana) the male teachers

are exceeded by the female, and generally exceed them from twenty-five to three hundred per cent., the proportion is vastly more favorable to the latter. Thus, in 1870 there were 2,600 female teachers in New Hampshire to 510 male; while in Massachusetts there were 5,387 female to 753 male. Nothing was more natural than that women should be thought qualified to examine and inspect as well as to teach, or that they should desire to have a share in the choice and in the work of committees; and the only wonder is that they were not enabled to do so long ago. The recent extension of the higher education to women, particularly in Massachusetts, is the best assurance that the new privilege will be usefully employed.

The Massachusetts House, on the same day, rejected without a count a bill granting women the right to vote and be voted for in municipal affairs. The *Woman's Journal* might console itself with the reflection that women are eligible to clerkships in our State and National administrations, and that whatever promotes the business view of the civil service, as opposed to the political view, will improve the chances of woman's entering it, though, to take a single instance, perhaps there are more postmistresses now by appointment than there would be, in the beginning, as the result of popular election. More comfort is to be found in the rational belief that "school suffrage" is an entering-wedge for "manhood suffrage." The analogy both of right and of expediency goes so far that, with the unthinking at least, it may be expected to prevail in the long run. When once the sight of women being registered and voting, no matter for what public purpose, becomes familiar, a great obstacle will have been removed from the common mind.

Of the \$40,000,000 of U. S. 4 per cent. bonds which the Bank of Commerce subscribed for last week, to furnish all the money needed to redeem the entire outstanding remainder of 5.20 6 per cent. bonds, the sum of \$10,000,000 was relinquished to the London syndicate, and what threatened to be a serious dispute was thereby avoided. The Secretary of the Treasury has not yet named a price at which he will sell any more of the 4 per cents, but it is expected that he will soon do so; and it is known that the terms of sale will be less favorable than they have been. In anticipation of the sales of the new \$10 certificates of deposit, which are payable only through conversion into the 4 per cent. bonds, the Treasury early in the week called in for redemption ninety days hence \$10,000,000 of 10.40 5 per cents. This is the first step in refunding 5 per cent. with 4 per cent. bonds, and is taken because the option to redeem any of the remaining 6 per cents does not mature until the year 1881. In the financial markets there was a further reduction of the discount rate in London to 2 per cent. by the Bank of England, and to 1½ per cent. in the London open market. British consols there advanced to 98½—the highest price for more than twenty years. Here the money market became easier, and it was demonstrated that the large bond settlements at the Treasury can be made without disturbing it. The New York banks raised their reserve about \$4,000,000 last week, and the closing rates for money were 5 to 6 per cent. Silver in London again fell from 50d. per oz. to 49½d. per oz.; and the bullion value of the 412½-grain dollar here fell to \$0.8353—a circumstance which is important in view of the strenuous efforts in Congress so to increase the coinage of 412½-grain dollars as to force their circulation in the market at their bullion value.

Another peculiarly bold attempt on the Czar's life, following close on the attempt to shoot the Chief of the Gendarmerie in the open street in broad daylight, shows that the war between the Nihilists and the official class is becoming more and more desperate. What is singular about it is that the poorer classes, who fill the ranks of the army of discontent in other countries, take no part in it. It is a conflict between the educated or half-educated nobles and traders and the bureaucracy, in which quarter is neither asked nor given. The root of it seems to be in the fact that the Nihilists

have received too much intellectual training for their political surroundings, and not enough moral and social training to enable them to seek redress and expansion by peaceable means. Their ideas, in other words, are those of advanced communities, their weapons those of the infuriated Muzhik or Tartar. At a great dinner given to Turgeneff in St. Petersburg the other day, at which he was received with unbounded enthusiasm, he warned the Government in thinly-veiled terms that the only remedy for the crisis was the establishment at any cost of free political institutions; in other words, the educated classes must get a share in the Government.

The scheme of joint occupation in Eastern Rumelia seems to have been abandoned at the last moment, partly owing to the difficulty of arranging the details, and partly to the reluctance of the Porte to submit formally one of its provinces to this sort of tutelage. It doubtless feared that the plan might be tried by-and-bye in other parts of the empire. So the last news is that it has proposed to Russia that the present status should be prolonged for another year—that is, that the Russian occupation should continue—in the belief that by the end of that time the Rumelians will be more reasonable and willing to welcome back the Turks. All observers on the spot, however, seem to be of opinion that the Turks will never have as good a chance of occupying their Balkan frontier as they have now, and that the Rumelian hostility to them will grow with time, and that the means of resisting them will grow with it, and that a year's postponement will make the Beaconsfield part of the Treaty of Berlin impossible of execution. In fact, it is more and more doubtful if Lord Beaconsfield would any longer defend his plan. The idea that the occupation of the Balkan Passes would add to Turkish strength, when the troops would have a savagely hostile population in their rear, is fast becoming ridiculous.

The Khedive's last performance, by which he has rid himself of Mr. Rivers Wilson and M. de Blignières, as well as Nubar Pasha, whom he detests, is greatly puzzling the French and English Governments. They do not well know how to deal with him, and each is afraid to let the other act alone, which is doubtless exactly what he anticipated. They do not like to use force against him, for of course he would be overthrown at once, and then what would they set up in his place? France proposes the Sultan should be got to punish him by dethroning him—for he is the Sultan's vassal—and the Sultan is said to have expressed willingness to deal with him in this way, and has called on him to show cause. But England is evidently doubtful about resorting to this expedient, and the *London Times* is calling loudly for patience and deliberation. The Beaconsfield Ministry probably dread adding another foreign complication to their already formidable list. In the meantime the unfortunate fellaheen are dying of famine, and the taxes are being collected in the old way with the whip.

The budget of the Chancellor of the Exchequer, submitted to the House of Commons a fortnight ago, and the details of which have just come out, show that his last year's estimate of receipts has been justified within \$500,000, but this has been more than due to the hurried passage through the custom-house of a large quantity of tea in anticipation of a rise in the duties, so that he has to a certain extent anticipated next year's revenue. With this exception, however, his estimates have proved fairly correct. But there has been a serious falling off in the excise and stamp duties, showing the decline in trade, which, however, has been more than made up by an increase in the returns from the land-tax and house-duty, and the income-tax and the post-office. He proposes to put off paying the expenses of the preparations to fight Russia, and the expenses of the Zulu war until next year—that is, probably, until after the next general election—and the expenses of the Afghan war he apparently means to impose on "the mild Hindoo."

THE REHABILITATION OF GRANT.

AS a mode of forestalling or manufacturing public sentiment, much could easily be said against the *Times's* anonymous reports last week from all quarters of the country regarding the favorite candidates for the next Presidency. There is, on the face of them, nothing to show that they were not concocted by the same correspondents who are used at other seasons to estimate the yield of the crops in their respective neighborhoods. If even in such estimates the personal equation has to be allowed for, of how much greater importance is it in the case of political calculations, especially at a time when general uncertainty and distrust prevail, and when the weak-kneed class who do not leave the fence till assured on which banner victory is to rest, are temporarily most numerous. In fact, there is no comparison between the weight to be attached to the *Times's* reports and that which as many authentic "interviews" would have, or categorical answers to a circular of enquiry, confirmed by the name of the author of the opinion, his occupation, residence, and standing in the community. It is partly owing to the obscurity of the reporter that his representations cannot be disproved; but that Grant and Tilden are, as he says, the unmistakable preference of their respective parties for the campaign of 1880 is inherently probable (since a state of doubt as to what is best or desirable is not inconsistent with substantial agreement as to a *pis-aller*), and appears to be conceded by the press.

Mr. Tilden's sentimental claim to the Presidency, to mention no other, is strong enough to account for the favor with which his candidacy is viewed by Democratic constituencies. Nor is there anything mysterious about Grant's popularity with the common run of Republican voters as well as with a certain stripe of politicians. The question which, in our experience, is most perplexing is this, and it is frequently raised: How is it that one encounters men who abhor "Grantism," and are fully sensible of the disgrace which Grant's two administrations inflicted upon the country, and earnestly desire the purification of the civil service, and who yet keep him in reserve as a tolerable instrument in case of necessity? How is it that men who in 1876 could not be reconciled to the thought of his re-election (without reference to the third-term objection), and whose opposition did in fact make his nomination impossible, now regard it with something like tranquil assurance? What do they want and expect of him that he is now become acceptable? We believe but one answer can be given: The men we speak of are not concerned about the fortunes of the Republican party as a party. They do not look upon Grant merely as the most available Republican leader. They have no high esteem, many of them have no respect whatever, for his civil capacity. Their reliance on him, whether they confess it or not, is a *military* reliance, and their condition of mind, if plainly stated, would be that they think the war between North and South not yet over, or that it is about to recommence.

This is a serious conclusion to come to, because in the first place it argues a degree of nervous timidity which men of principle ought to be slow to acknowledge, and which quite demoralizes the reformer. Still, if this want of courage—call it dread of the immediate future, if you please—really exists, we ought to look it in the face; and it cannot be denied that the bare preamble of the resolution creating the Potter Committee set a large number of reformers to fumbling around after General Grant, as they would after a revolver if they heard burglars in the next room. Those who recovered from this panic, along with some of the stronger-minded who perhaps never succumbed to it, now see no guaranty except Grant against the "revolutionary" designs of the Forty-sixth Congress. They have, after all, so little faith in the stability of the Republic that the abuse of their powers by a parliamentary majority appears to them to involve an appeal to force; so little confidence in the provisions of the Constitution and the temper of the people that they are not easy unless a military President is at hand, ready to exercise the arbitrary powers of a commander-in-chief in the midst of hostilities. The Mexicanization of our politics has been

often alluded to, but, as we have more than once urged in these columns, the process attacks the mind before it manifests itself in deeds. This apprehension that the government is in danger if the other party wins or has its way, is truly Mexican; and so is the reserve thought of a military dictator as the only possible saviour of society.

We say a military dictator, because on an instant's reflection it must appear that if General Grant were at this moment back in the White House he would have no resources against revolution that Mr. Hayes has not. He could resist and veto, no doubt; in doggedness of character he may be Mr. Hayes's superior. But he would have no control over the army, or power over the militia, that is not to be found in the Constitution by all Presidents in time of grave public peril. He would have much less than when he resigned the reins to Mr. Hayes, for we are now more than two years—we are half a century removed from the semi-military régime under which Grant kept alive the last of the carpet-bag governments. There remains only a *coup d'état*, in which the Confederate brigadiers should be driven from the Capitol and a rump Congress installed. There is no one, we are sure, who contemplates such folly as this, and, in fact, the whole discussion of what Grant might do seems rather silly, and would be utterly so but for the respectability of the men who cherish irrational expectations concerning him, and undoubtedly do get a good deal of comfort out of them.

All such, and we wish there were not so many of them, will be benefited by a little historical retrospect. There were plenty of ante-bellum crises in Congress and at the polls, and only one ended in violence, and the aggressive party was completely humbled. There have been half-a-dozen crises since the war, including an impeachment of the President, the union of Southern and Northern Democrats on the candidacy of Horace Greeley, and the late disputed election, decided by an extra-Constitutional makeshift; and peace has remained unbroken. The hasty and arbitrary legislation of the war and of the period of reconstruction has been partially undone, and in getting rid of the remainder something may be taken away which we shall be loth to part with, albeit not irrecoverable. But we ought to be glad to see the old scars effaced, and to reach at last a stage in which all the issues raised in Congress will be upon their merits, and all party differences will have a purely civil complexion. The best way to arrive at this is to refuse to "see blood" so long as there is any other view to take of the situation, or to think first of the military way out when a difficulty arises, or to discredit the ability of the people to execute judgment on the party that puts our institutions in jeopardy. As for those who in 1872 and again in 1876 resisted, for reasons that were abundantly justified, the continuance of Grant at the head of the Government, it is clearly a duty to remain steadfast on the only ground that promises a happy return to peaceful national development; to lend no countenance to the pretence that we need now in a President any qualities that were not essential then, or can dispense with any which were then demanded; to advocate now as then a return to Constitutional and regular modes of legislation and administration, the reform of the civil service, reform in the collection of the revenue, actual as well as nominal redemption; to judge of fitness for the Presidency according to the candidate's perception of the nature and scope of these measures, his earnestness in behalf of them, his resoluteness, experience, and training; finally, to take no counsel of fear or despondency, but

"—through the heat of conflict keep the law
In calmness made, and see what they foresaw."

LEGISLATIVE COURTS.

THE Municipal Society of this city, through a committee of which Mr. Simon Sterne is chairman, has introduced a bill at Albany which deserves the careful consideration of the Legislature and of the public. It relates nominally to a subject which, at the first blush, seems of no general interest—that of "applications to the Legislature"—but it embodies a principle which, if once incorpo-

rated into American law, and still better, as we hope some day to see it, into American constitutional law, will do much to redeem our legislation from the discredit into which it has of late years fallen. In order to make the provisions of the bill clear it is necessary first to glance at the law as it stands, and the evils which have grown out of it.

The existing provisions of law in this State on the subject of applications to the Legislature are extremely brief. They require all persons applying for leave to have the bounds of any county, city, or village divided or altered, a new county created, a new city or village incorporated, a court-house removed, a road made or improved, or any other county purpose effected involving a general or special county tax, to give notice by newspaper publication of the intended application. Corporations applying for legislation are required to give a similar notice, and these notices must specify the nature and objects of the application. There are like provisions with regard to applications for the release of escheated lands, and for the right to construct dams.

These provisions, meagre as they are, grow out of a recognition of the fact (on which all the recent constitutional amendments prohibiting special legislation are based) that private, local bills, having for their object a local grant or modification of corporate rights and privileges, a taking of private property for public use, or, in fact, any change in law or grant or withdrawal of privileges, which is to be confined in its effects to particular persons or collections of persons, or localities, are really not *laws* at all, but grants, or modifications of grants, made, indeed, by the Legislature, but involving, first, a judicial examination of the facts, and, second, a semi-judicial, semi-administrative determination as to what should be done in the case. The reason why the applicant is required to give public notice of his petition is that all those interested may be informed, as in any regular judicial proceeding they are as a matter of strict right entitled to be informed; may appear before the Legislature, may oppose the application if they see fit, and obtain a fair hearing for the purpose of bringing before the mind of the branch of the government which grants or refuses the application the merits of the case in all its bearings.

With this formal notice, however, it will be observed that the judicial character of the machinery provided comes to an end. None of the details of the procedure in these applications after they have actually reached the Legislature are provided for by law in any way. Beyond a few provisions relating to the attendance of witnesses before committees, which are chiefly declaratory of powers which the Legislature has independent of statutes, the proceedings with regard to private and local bills appear to be absolutely in the discretion of the committees to which they are of course, and necessarily, always referred. Of rules for the time of holding meetings, for the hearing of parties in person or by counsel, for the separations of questions of fact and law, even for the proper introduction of proof, there is no trace. It is, indeed, the theory of legislative assemblies, and is so stated in the treatises which discuss the matter, that committees are governed by the ordinary rules applicable to courts of justice; but the difference is that a court of justice is not itself the judge of the conformity of its proceedings to law. The suitor who considers himself aggrieved has always the remedy of appeal from the decision by which he considers himself aggrieved, and the right to appeal and have proceedings reviewed is the thing which makes the rules of law fixed and ascertainable; but from a committee's action there is no appeal of any kind. To talk of the Legislature itself reviewing the work of committees in matters of private legislation is mere trifling. The reason for the existence of committees is that the Legislature cannot afford the time to enquire into such matters. In ninety-nine cases out of a hundred the committee decides absolutely and finally what is to be done with any private bill. Not only, however, is its decision final, but its method of arriving at that decision rests in its own arbitrary discretion. It may hear witnesses or not hear them; it may listen to arguments or not listen to them; it may confine the right to appear before it to recognized counsel, or let the parties appear, or

allow persons who have no recognized status of any kind to appear. It may reach a conclusion, or decline to reach any conclusion whatever, and there is absolutely no redress. It is a singular instance in our system of government of a body having judicial functions, and charged by the Legislature with a judicial duty, which has broken loose from all American judicial traditions, and enquires into and decides the cases brought before it by any method it chooses to select—precisely, in fact, as a Turkish *cadi* might.

The object of Mr. Sterne's bill is the assimilation of all the proceedings of legislative committees in private and local bills to those of courts of justice. For this purpose the faint suggestion of a similarity afforded by the present requirements as to notice by publication in the newspapers has been taken as a groundwork, and upon this has been constructed a complete scheme of law governing proceedings before legislative committees. By the proposed act all private, special, and local bills are to be filed on the first day of the session, and in case the bill involves the taking of private property for public use notice is to be served upon all persons affected. By another section the governor is to appoint three examiners, holding office for four years, whose duty it shall be to see that these preliminaries have been complied with, whether any objections to the bill have been filed in the office of the Secretary of State (for which purpose twenty days are allowed) and to report the facts; and in case these prerequisites are found by them not to exist to make an endorsement to that effect upon the bill: in which case the Legislature is prohibited from passing any bill on the subject. If the law has been complied with and it appears that there is opposition to the passage of the bill, it is to be placed, on reference to a committee, upon a calendar like that of a court, which is to be published from time to time so as to give due notice of the intention to proceed with the bill. On the hearing the committee is to hear all competent and relevant testimony, to hear counsel under appropriate rules and regulations, and proceed in general "as though such committee or committees were courts of justice." By a two-thirds vote the committee is empowered to impose a fine of not more than \$500 on anybody maliciously opposing a bill, and by a like vote, in case of a demand in a bill for "excessive powers," by which individuals or corporations are unreasonably compelled to resist its passage, to fine the applicants in a like sum (this, of course, being intended to meet the common case of blackmailing opposition or application).

There are three acknowledged evils of great magnitude existing in the legislation of every American State and in that of Congress which are more or less directly traceable to the arbitrary and irresponsible procedure which we have attempted to describe above, and which the adoption of Mr. Sterne's bill would in a great degree bring to an end: *first*, the volume of special legislation; *second*, its *incoherence* and *obscurity*; *third*, the existence of the Lobby—an institution absolutely unknown in any other parliamentary country. The restrictions upon the power of the Legislature to pass special laws incorporated into the constitution of New York and other States have undoubtedly lessened the first evil to a great extent, as any one may see by comparing the 510 pages of laws passed at Albany in 1878 with the 2,199 pages passed in 1872; it will be still further reduced if the constitutional amendment now pending, limiting the Legislature to biennial sessions, is passed. But the provisions against special legislation have not destroyed special legislation. The general effect of these provisions is to take away from the Legislature the power to pass special laws where general laws are applicable. But there are many cases in which general laws are inapplicable, and there must be some provision for these. We find on examination of the New York Statute-book of 1878 that, even under the present constitutional limitations, out of the first hundred laws there are only thirty-four which can be called general in their nature. Assuming this proportion as a fair test, and we see no reason why it should not be, *two-thirds* of all the business done every year at Albany is still of a private nature, and does not partake of the character of legislation at all. So far, therefore, as the amount of special legislation is concerned, it is still very great. As

to its incoherence and obscurity, the power which the Legislature exercises to amend charters by private bills, even when it cannot grant new charters, is not likely to diminish this fault. To take a single instance, the legislation every year proposed with regard to this city is so related to and inextricably complicated with old provisions as to be absolutely unintelligible to almost every private person in the city, and is really understood only by a few office-holders whose tenure of office may be affected by the proposed alterations, and by them only so far as it affects their places.

The connection between the lobby and the existing method of legislation is very direct. The lobby, as an organized institution (as it exists nowhere but in the United States), is simply a collection of unlicensed attorneys, responsible to no one for what they do, who ply their trade as they best may. Between a court, such as a legislative committee really is, and the suitors whose interests are adjudicated upon by it, there must obviously be a body of agents who are familiar with the procedure of the court, and are capable of managing cases in it. If the procedure and the right to practise in the court are regulated by fixed rules, and the agents recognized as public officers who are responsible to their clients and to the court for any breach of duty, you have at once, as agents, lawyers forming a regular bar. If there is no procedure and the action of the court rests altogether in its own discretion, you have as agents lobbyists. The lobby necessarily drives out respectable lawyers, for respectable lawyers are restrained by their training and their sense of duty from resorting to the devices to which lobbyists are obliged to resort; consequently, before such a court, a lobbyist is a better agent than a respectable lawyer, and therefore drives the respectable lawyer out of the market.

We have merely given above an outline of the proposed plan. There are many details which we have been compelled to omit, and which deserve careful consideration. This outline, however, shows sufficiently the principle to be introduced, or rather enforced (since as a *principle* it is acknowledged to exist already). It cannot be said to be a novel one, for it is taken from the English parliamentary practice, where it has been on trial for a generation, and where its good effects are seen in the high character of the Parliamentary Bar, which corresponds to our lobby, and the absence of complaints on the subject of special legislation which are heard so continually here. The only fault that we have to find with the scheme is that it is not brought forward as a constitutional amendment, for only in that way can the legislature be permanently compelled to adhere to the proposed method; and we trust that its incorporation into legislative practice is merely a first step to this end.

FITZ-JOHN PORTER'S CASE.

IT is safe to say that the report of the Advisory Board which has been reviewing the proceedings of the court-martial which in 1862 cashiered General Fitz-John Porter, for misconduct in the face of the enemy, makes the case the most remarkable in military annals. It is remarkable, in the first place, that, considering the gravity of the offence of which he was convicted and the excited state of the public mind at the time of his conviction, he was not sentenced to death and executed, or to imprisonment for life. It is remarkable, in the second place, that he should not have succeeded in procuring a review of the proceedings for sixteen years, considering that at any time since the peace it was possible to obtain the evidence which has enabled a board of officers, composed of such men as Generals Schofield and Terry and Colonel Getty, to pronounce him not only innocent but deserving of the highest praise.

General Porter's individual misfortune in having lain so long under the burden of such an error is, of course, a cruel one; but this is something the foundation of which he may be said to have in some measure laid by his singularly indiscreet, and we may add mischievous, criticisms on General Pope, his commanding officer, addressed to General Burnside. This undoubtedly prepared the mind of General Pope and his friends for treachery or half-hearted support, and won for Pope the public sympathy when he subsequently sought to make Porter responsible for the failure of his campaign. Moreover, coming so soon after McClellan's Harrison's Landing letter, and containing, as they did, an appeal to McClellan for deliverance from Pope, they helped to strengthen and spread the popular

belief that there was a clique of West Point officers, of whom McClellan was the head, who were in secret sympathy with the secessionists, and never fully believed either in the right or the ability of the Government at Washington to drive them to the wall. General McClellan's telegram from Washington, dated September 1, 1862, addressed to General Porter, asking him and "all his [my] friends for his [McClellan's] sake, and that of the country, to lend the fullest and most cordial co-operation to General Pope in the operations then [now] going on," was certainly not calculated to dissipate this impression. A more unfortunate message, or one better calculated to be injurious to General Porter at that juncture, could hardly have been devised. The position of an officer in high command in the field who needs, or seems to need, the exhortations of an outsider to obey with zeal, for the outsider's sake, the lawful orders of his superior, is not an enviable one. General Porter, however, got into it, and mainly through his own errors. There was only one excuse for his criticisms and complaints, if there can be any excuse for them, and that was Pope's general order issued in July on taking the command, in which he spoke contemptuously of "lines of retreat" and "bases of supplies," and called on the army to "discard such ideas," and occupy themselves with "the enemy's lines of retreat and leave our own to take care of themselves." His examination eight days previously before the Committee of the House on the Conduct of the War, in which he announced that his plan of campaign was to "lay off on the enemy's flanks," and "attack him day and night in unexpected places," and finally force him "to follow him (Pope) out into the mountains," was not more reassuring. In fact, both these expositions emanating from an educated soldier were very alarming, and foreshadowed the disasters which followed; but instead of lightening the responsibility of his subordinates they increased it. They made it more incumbent than ever on General Porter, and all others like him, to see that whatever Pope's folly might be, and however great the disasters it might bring on the army, the confidence of the country in more sober-minded and competent officers should not be shaken. It certainly ought not to have suggested to General Porter an appeal "to be got away," or an expression of a wish "to be away."

The great difference between the spirit with which the Advisory Board has examined the case from that in which the court-martial tried it lies, it seems to us, in the Board's freedom from the prepossession against Porter and his set in the army, created by McClellan's position towards the Government and Porter's avowed sympathy with them. It was this, too, which prevented the public from seeing how ridiculous Pope's general order was, and how much cause for anxiety there was to be found in it. The first charge against Porter, that of intentional and traitorous dilatoriness in the march to Bristow Station on the night of the 27th of August, could not, in all probability, have been sustained at all but for this prepossession. Pope's order showed that he wanted Porter at Bristow in the early morning for the purpose of pursuit. To use his own words in the order, "the enemy had been driven back, but was retiring along the railroad," and "we must drive him from Manassas and clear the country between that place and Gainesville." Porter, instead of starting at one o'clock, however, did not start till three, and did not arrive at Bristow Station until after ten. His excuse for the delay was, that his men were very tired; that the night was very dark, and the road much blocked with wagons; that, therefore, if he had started at one o'clock, he would have made little or no progress, as the time he took on the march in broad daylight showed, and he would have brought his troops into Bristow Station utterly unfit for hot pursuit of a retiring enemy. His divisional commanders agreed with him. In the mouth of an experienced officer, whose zeal was not suspected, this would have been a complete defence; and it was supported by abundant testimony. The Board, looking at the matter without the prepossession, have accepted it as such. They probably did so the more readily in view of the fact that Pope, in his evidence before the court-martial held four months later, gave a different account of his reasons for calling Porter up from that which he gave in his order. He then swore that he wanted Porter not to pursue the enemy, but because he feared an attack in the early morning from the combined forces of Jackson and A. P. Hill. It is difficult, in the light of the facts as we now know them, to escape the conclusion that Pope was either guilty of boasting untruly in the first order, or was ignorant of the real facts of the situation, and got up a story for the court-martial to meet Porter's defence that his men, after a night's march under the order, would be unfit for the work of pursuit.

The way the prepossession continued to work against Porter was

further curiously illustrated in the evidence before the court-martial of Lieutenant-Colonel T. C. H. Smith, a volunteer officer on Pope's staff. He had a short interview with Porter on the 28th, the day of the march from Bristow Station, about some ammunition which Porter had requisitioned. He had never seen Porter before, and said that while his manner was "gentlemanly and courteous throughout," it was so "sneering" and "indifferent" that he felt justified in going back to General Pope and reporting that Porter was "going to fail him" and was a "traitor," and that he (Smith) was so certain of this that he "would shoot him that night, as far as any crime before God was concerned, if the law would allow him to do it." On cross-examination he was unable to explain or describe Porter's manner any more minutely than this, and acknowledged that, never having seen him until this occasion, and then only for a few minutes, he could not tell whether the manner he witnessed was Porter's ordinary manner or not. When Mr. Holt, the Judge-Advocate, came to review the proceedings of the court-martial for the President in the following January, he dealt with this evidence of Smith's in the following fashion, to match which we should have to turn to some of the earlier State Trials and then to the dime novel of our own day. That such stuff should have found its way into legal documents we are bound in charity to consider an illustration rather of the heated condition of the public mind at the time than of the Judge-Advocate's quality of mind:

"It was physically impossible for the witness to reproduce the manner, the tone of voice, and the expression of the eye and the play of the features, which may have so much influenced his judgment; yet these often afford a language more to be relied on than that of the lips. He could not hold up before the court, for its inspection and appreciation, the sneer of which he spoke: and yet we know that a sneer is as palpable to the mental as a smile is to the natural vision. It is a life-long experience that souls read each other, and that there are intercommunications of spirits through instrumentalities which, while defying all human analysis, nevertheless completely command the homage of human faith. Great crimes, too, like great virtues, often reveal themselves to close observers of character and conduct as unmistakably as a flower-garden announces its presence by the odors it breathes upon the air. The witness may have misconceived this 'look,' but from the calamities likely to follow such an act of treachery, if indeed it was then contemplated, it must be admitted as altogether probable that the shadow of such a crime, struggling into being, would have made itself manifest."

On the 28th Pope had failed to "bag" Jackson, as he had expected. The forces with which he supposed he had cut him off from Thoroughfare Gap had retired, and Jackson was standing at bay expecting Lee and Longstreet, who were hastening to his assistance. Pope therefore, on the 29th, ordered Porter, by a joint order addressed to him and General McDowell, to advance towards Gainesville to establish communication with Heintzelman, Sigel, and Reno, who were moving on the Warrenton turnpike, and this done, to halt. Porter obeyed, and at a certain point on the road met General McDowell, and came in front of the enemy, but failed to establish communication with the other generals, between whom and him there remained throughout the day a gap of from two to four miles, which in point of fact made of his corps a separate force. McDowell withdrew from him early in the day, and went along the Sudley Spring road towards the right of the army with the view of filling up or helping to fill up this gap, an operation which he did not succeed in carrying out before six P.M. Porter now being left alone, Pope, in ignorance of his position, and, it now appears, in total ignorance of the force in his front, sent him an order, dated 4.30 P.M., telling him he was on the flank of Jackson's force, and directing him to go into action at once. This order, in the first trial, it was maintained, was delivered by five o'clock. Porter, on the other hand, averred he did not receive it until half-past six. The evidence by which the delivery at five was proved before the court-martial broke down before the late Board. It was shown that the officer who carried it was mistaken about the hour at which he started, and about the road by which he travelled; and the orderly who accompanied him admitted having told lies about the matter on a previous occasion, and neither of them carried a watch. Moreover, it appeared that the date of the order—4.30 P.M.—was the hour at which the writing of it was begun, and not the hour at which it was despatched. Porter had up to the receipt of this order been exercising the lawful discretion of a corps commander in refusing to engage what he believed on abundant information, which has now been shown to be correct, a greatly superior force, for Longstreet was in his front, and could have crushed him before the rest of the army had heard of his fate, and, having crushed him, would have rolled up McDowell's wearied troops, who filled the roads behind him, in wild rout. On receipt of the

order he made his dispositions to attack, but it was already dark. The revelations made at the late enquiry, both by the Confederate testimony and the production of fresh maps of the field of operations, show Pope's ignorance of the situation to have been something very serious when one thinks of the interests which were staked on his capacity to command his army.

General McDowell's evidence in the matter places him in a very peculiar position. He gave a positive opinion at the court-martial in 1862—and, as he had been on the ground with Porter, it was an opinion which undoubtedly had great weight with the court—that if between five and six o'clock on the evening of the 29th Porter had, as directed in the 4.30 order, thrown himself on the right wing of the enemy "the result would have been decisive in our favor." He had, however, left Porter at noon, taking with him part of Porter's force—King's division—and he expected, he said, Porter to have attacked in an hour after his departure. He gave no sign on the first trial that he had any reason to believe that Porter had not received the 4.30 order. He testified that he "had received messages from Porter during the day," but said they simply asked "how the battle was going on, and what was the condition of things with us, as far as I can recollect"; but he did not produce or offer to produce the messages. He has now testified in the late enquiry that when he left General Porter he left him "as a corps commander" (that is, with full discretion in the absence of a superior officer),

"that how quickly he was to get into an engagement, whether in an hour or an hour and a half, and how he would do it, whether in one way or another, he did not indicate, nor did he take it into his mind: it was simply that he was to operate on his left, and necessarily when he got over there the nature of his operations would be determined by the condition of things he would find. What those conditions would be he could not at that time tell."

He has produced the three messages, which are all important. The first warns him that the firing on Porter's right had so far retired as to alarm him, and that he had been unable to communicate with McDowell or King. The second again complains of inability to communicate through the woods, and gives notice that the enemy is in strong force in front of him, and asks McDowell's "designs for the night." The third, dated 6 P.M., showed that at that hour he had not received the 4.30 order, and informed McDowell that he had tried to put Morell's division in communication with him and failed, and had been opened on with artillery while withdrawing it; that his scouts had found the enemy in the same direction, and some had been captured; that infantry also were in front; that he had not succeeded in bringing up a battery, and from the dust and scouts thought the enemy were massing on his right; and that he had no cavalry or scouts. He again asks for McDowell's "designs." All these threw a flood of light on what was passing in Porter's mind, and on the reasons for his conduct. General McDowell, however, when testifying against Porter on a capital charge, not only did not produce them, but spoke of them slightly, and kept them for sixteen years without properly searching for them. They were all the time among his papers. He acknowledges, too, that he knew that Jackson was being heavily reinforced during the day of the 28th, owing to Thoroughfare Gap having been left open.

This is not all, however. Porter's delay in the march to Bristow Station was used at the trial, and has been used ever since, to support the charge of treachery against him on the 29th, and his conduct on the 29th to support the explanation given of the delay in the march on the 28th. If he had fought on the 29th he probably would not have been accused of treason on the 28th, and if he had marched through the night of the 27th he would not have been suspected of shirking on the 29th. Each charge bolstered the other up, and his motive was alleged to be a desire for Pope's failure. On the 30th, when directly ordered to attack, he did attack Jackson with extraordinary vigor, and was only prevented from overthrowing him by the (to use Jackson's words) "timely and gallant advance of General Longstreet," and was only repulsed after his corps had been nearly cut to pieces. This exploit of Porter's on the 30th would, of course, have had an important bearing on the question of Porter's motives on the 28th and 29th, and he sought to bring it before the court-martial in 1862, but was not allowed to do so. Now, about 1870, when Porter was again applying for a rehearing, General Pope prepared and printed a statement protesting against it, and furnishing additional evidence of his guilt. It contained a great many statements which have been disproved by the recent investigation; but it contained also extracts from the Confederate military reports, which General

McDowell now acknowledges that he furnished. These extracts were intended to show what it was important to show for Porter's conviction, but which the Board deny—that what Pope called “a terrific battle” was raging all along the line on the 29th, in which Porter treasonably refused to participate. For this purpose General McDowell produced and published the following from Stonewall Jackson's report, as that officer's account of the operations of the 29th :

“After some desultory skirmishing and heavy cannonading during the day, the Federal infantry, about four o'clock in the evening, moved from under cover of the wood and advanced in several lines, first engaging the right, but soon extending its attack to the centre and left. In a few moments our entire line was engaged in a fierce and sanguinary struggle with the enemy. As one line was repulsed another took its place and pressed forward, as if determined, by force of numbers and fury of assault, to drive us from our position. *So impetuous and well-sustained were these onsets as to induce me to send to the commanding general for reinforcements, but the timely and gallant advance of General Longstreet, on the right, relieved my troops from the pressure of overwhelming numbers, and gave to those brave men the chances of a more equal conflict.* As Longstreet pressed upon the right, the Federal advance was checked, and soon a general advance of my whole line was ordered. Eagerly and fiercely did each brigade press forward, exhibiting in parts of the field scenes of close encounter and murderous strife not witnessed often in the turmoil of battle.”

Pope followed this with the comment, “It seems, then, that Jackson was so hard driven by that army which Porter considered defeated that he could not hold his ground, and sent to General R. E. Lee for reinforcements.” General McDowell was shown Jackson's report on the late investigation, in which the sentence preceding the above extract explains that he is describing the events of the 30th ; in other words, the “fierce and sanguinary struggle” was that of Porter's corps, and was directed by Porter. On looking at it, General McDowell acknowledged “that it was a mistake that he had made.” He acknowledged, too, that his attention was called to this “some time ago,” it might be four years ago, and that he did nothing to enquire into it or correct it, “because he did not think it his province to do so.” Nevertheless, he had circulated the statement among his friends.

General Pope declined to appear at the late investigation as a witness or submit himself to cross-examination, doubtless fearing that the petitioner's counsel would “lay off on his flanks,” and “force him to follow them out into the mountains.”

SCOTTISH POLITICS AND LAW.

EDINBURGH, March 17, 1879.

IT seems as if the so-called “Imperial” policy of the Government had given the Liberal party once more a rallying point ; at least, the signs of a reaction are becoming daily more frequent. Foremost among these in Scotland is Mr. Gladstone's proposed candidature of Midlothian, or the County of Edinburgh. The constituency is probably the most important country one in Scotland, and is, even more than rural constituencies generally are, overshadowed by territorial influence. Those, therefore, who can appreciate the strength of that influence here will at once admit that, even for Mr. Gladstone, the task of beating “the bold Buccleuch” on his own ground will be no light one. And when it is remembered that failure with such a candidate would be political ruin, it may well be imagined that the Liberal committee of the constituency acted with due caution when they requested Mr. Gladstone to stand. And indeed when they did so they could promise him, after careful inspection of the register of voters, and ample allowance for all doubtful votes, a clear majority of about three hundred. The Tories have not been idle, however. When the register closed, on the 30th of January last, they had already enrolled about one hundred and fifty Conservative voters ; and if a dissolution of Parliament is postponed long enough they are said to have as many more ready.

The nature of these so-called “faggot” votes was partly explained by Mr. Trevelyan in the recent debate in Parliament on the assimilation of the burgh and county franchise, but a more detailed explanation of the name may not be without interest. A “faggot” means a nominal or fictitious vote, in popular language ; but the modern is essentially different from the old “faggot.” Formerly, when the right to vote depended, as it did before the Reform Act of 1832, on the *legal* as distinguished from the *actual* possession of land, it was the practice for owners of land to split their holdings into two or more parts, and so create as many new votes by a curious use of legal fictions.

By the feudal system on which our system of land rights is based, all the land of the country belongs to the sovereign as superior, but the ac-

tual property belongs to those who hold as vassals of the crown, for a small, or maybe altogether illusory, annual return. The latter have in their turn vassals possessing under them who are themselves superiors of others, down to the actual possessor or occupier of the land itself. In the time to which we refer, only crown vassals were voters—that is, only those who held land of the required value directly of the crown. But when one of these crown vassals was possessed of more than the required amount of land he resorted to the ingenious device of splitting up the superiority, in right of which he voted, into as many parts as its value would admit of, by (to that extent) divesting himself of the superiority, while retaining the property which he held as vassal of the new voters. Thus, if he held a superiority capable of carrying say six votes, he divested himself of it by a complicated legal machinery to the extent of five-sixths (the *property* of which, however, he still retained as vassal of the “faggot”), and voted himself in right of the remaining one-sixth. It will be seen at once that these latter had no real interest in the land, for the faggot-maker took care that the return he was to make for his own land as vassal to each of the new superiors should be entirely illusory. They were mere men of straw, or rather of parchment, for their right to vote existed simply in the deeds on which their names occurred. From the circumstance that these nominal votes were manufactured out of one original one, they received the name of “faggots” ; and the Tories allege that it was largely by means of them that the first Reform bill was passed. If so, it is some justification of them, but they deprived themselves of all importance by that very act. The franchise is now based upon the actual possession of land or houses of a certain fixed value, and no longer upon a mere nominal right of ownership or “superiority.” “Faggots” must now be paid for in hard cash, and to that extent are no longer fictitious ; but of course any zealous politician is still willing enough to invest in a sufficient amount of real property to qualify him as a voter, as long as he can have a reasonable return for his money. No sooner, therefore, was Mr. Gladstone's resolution to allow himself, in the event of an election, to be nominated for Midlothian made known, than a letter was industriously but privately circulated by a Conservative agent, offering suitable investments in land and houses in the county for sums of about £120 and £150, the sale to be concluded before the end of January, when the register for the year is closed. Through some mistake one of these was addressed to a stanch Liberal, who at once made it public. The register was examined, lists were published, and the “Tory faggots” became a public scandal.

Of course, the objection to such votes, which was formerly met by the old oath of possession that they were not merely nominal, is unavailing against the new style of “faggot.” The faggot has paid for his property, and is entitled to a vote in respect of it. But if not contrary to the letter, the practice is clearly opposed to the spirit, at least, of the election laws. Men can now vote in Midlothian, *e. g.*, who have no interest whatever in the welfare of the county, whose sole object in purchasing property there was to have the vote, and who may, by swamping the real constituency of the district, defeat the aim of the legislature to provide for a fair Parliamentary representation of the legitimate opinion of the country in all its districts. The error lies in making property itself a *qualification*, instead of what it was always intended to be, merely a *test* of qualification. It is men and opinions, not money, that Parliament should represent, and only the practical difficulty of finding any other standard led to fixing possession of a certain amount of property as the necessary qualification for exercising the franchise. But should the new system spread, something must be devised to counteract it ; otherwise any constituency may be bought even more easily and effectually than in the old days of “bribery and corruption,” and the wealthiest will become always the ruling party.

I have said the foreign policy of the Government will be the turning-point of the next election, and the present Conservative tactics confirm this view. At the recent election for the Haddington Burghs, the Solicitor-General, the Tory candidate, tried to put the electors off the scent of the real question by drawing, as the *Scotsman* put it, “the red herring of Disestablishment across the trail,” and the Edinburgh Conservative Workingmen's Association were treated last night to an elaborate and sophistical defence of the Established Church by a clever young Tory barrister. No doubt, as Lord Hartington mentioned in his speech here a year ago, that is, in Scotland at least, one of the near questions of the future ; but it cannot yet awhile become a good party war-cry, and it dwindles into insignificance in comparison with the present low state of trade and general commercial depression in the country, for which undoubtedly the extravagant and bombastic policy of the Government is

much to blame. There are also signs of Liberal activity in many other constituencies, among which I may mention the proposed formation—which, by the time this reaches you, will in all probability have become a fact—of a general Liberal Association of the electors of the Universities of Glasgow and Aberdeen. Want of thorough organization has always been the weakness of the Liberal party, and they lost the last election more because their candidate was too much of a local man to secure unity of action between the electors of both universities than on account of the actual superiority of the Lord Advocate, the Tory nominee and present member.

In legal matters we are chiefly interested at present in the question whether the House of Lords will reverse the decision of our Supreme Court here, holding trustees of deceased shareholders in the City of Glasgow Bank personally liable as contributories to its assets. If it does so, the loss to the present shareholders is estimated at between £2,000,000 and £3,000,000, so that the question is one of vital importance to all concerned. Our Court of Session went upon a decision arising out of the failure of the Western Bank in Glasgow twenty years ago. This decision, holding that the liability of trustees who were shareholders in a joint stock company was not limited to the value of the estate they held in trust, was much commented upon at the time, but it has been the law of the land ever since, and as the trustees in the present case could make out no essential difference in their position, the judges here were obliged to follow the decision of the higher court. The House of Lords, however, would seem to have full power to review its former opinion, and I hear that a very strong bench will be formed to hear the case which has been selected as a test to rule a host of similar ones. Instead of the usual five, a number of judges will sit, of whom Lords Selborne and Coleridge will be two, and it is said that the Lord Justice Clerk, president of the second division of our court here, who has a seat in the House of Lords as Baron Moncreiff of Tullibole, will also give his assistance. Besides the legal grounds that a trust estate is, by the law of Scotland, unlike that of England, a distinct entity in law, capable of entering into separate contracts and incurring separate obligations from the trustees in whom it is vested, and the fact that the trustees here never pledged or intended to pledge their individual liability in becoming shareholders of the bank, much may be said from an equitable point of view for the hardship of the position in which they are placed. The consequences of holding them personally liable will require to be obviated for the future by legislative enactment, for no man will accept out of mere friendship a gratuitous office involving such tremendous responsibilities. But, on the other hand, trustees have long known, or ought to have known, their legal position, and probably the greatest difficulty of the court in the present instance will be to get over the almost universal legal maxim, *ignorantia legis neminem excusat*, for every man is presumed to know the law. Indeed, some doubt has been expressed as to the power of the House of Lords itself to alter the law once laid down by it, and in a book just published by two English counsel, upon the procedure and practice of the House in appeal cases, the authors arrive at the clear conclusion that the Lords are bound by their former decisions on points of law, and that there is no instance in recent times in which they have directly reversed a previous judgment or set aside a rule of law which they themselves have laid down. True, Lord Kingsdown and Lord Brougham both declined to adopt this view, and, in common with other high authorities, laid down "that the House of Lords, like every other court of justice, possesses an inherent power to correct an error into which it may have fallen"; but the opinion repeatedly and forcibly expressed by Lord Campbell has received the assent of a still greater number of authorities, that

"The rule which the House of Lords lays down as the ground of its judgment, sitting judicially as the last and supreme court of appeal for this empire, must be taken for law till altered by an act of Parliament, agreed to by the Commons and the crown, as well as by your lordships. The law laid down as your *ratio decidendi* being clearly binding on all inferior tribunals, and on all the rest of the Queen's subjects, if it be not considered as equally binding upon your lordships, this House would be arrogating to itself the right of altering the law and legislating by its own separate authority."

To you who are accustomed to submit the question of the legality or illegality of a law itself to the judgment of your Supreme Court this may not seem a very dire result, but it would be with us utterly opposed to all constitutional principle. At the same time the admitted conflict between the highest authorities, irrespective of the momentous nature of the interests involved, causes the case to be watched both by lawyers and the general public with the keenest interest.

MUNICIPAL INSTRUCTION IN PARIS.

PARIS, March 24, 1879.

THE great colleges of Paris are not dependent on the Municipal Council; they are governed by the University of France. These colleges are now called lycées, a name which they received at the time of the First Empire: they are the remnants of the old colleges of the University of Paris, and most of them are situated in the old "Latin Quarter"—Louis-le-Grand, St.-Louis, etc. There is only one University college on the right bank of the river, which used to be called Bourbon, and is now called Fontanes. The expenses of these great colleges, as well as of the Faculties of Law, Medicine, Letters, Science, are state expenses.

I will only deal here with the municipal establishments. The city of Paris supports a few high-schools and a large number of primary schools. Paris has a college similar to the University colleges, called Collège Rollin. This municipal college nearly meets all its expenses. It will cost this year \$150,280, and its receipts will amount to \$148,600; it may, therefore, be considered a self-supporting establishment. It is under the government of the Prefect of the Seine and its expenses are controlled by the Municipal Council.

The expenses for primary instruction and a few high-schools amount in the budget of 1879 to \$2,272,240. Here is the special budget of the high-schools: 1st, Collège Chaptal, \$225,940, against which must be placed \$243,420 of receipts. This college is similar to the University colleges, but, besides the ordinary classes, it has special commercial and industrial classes. 2d, The Turgot School, which costs \$33,920, against \$4,000 only, paid monthly by the pupils. 3d, The Colbert School, whose expenses are \$26,600 and receipts \$19,800. 4th, Lavoisier School, expenses \$26,380 and receipts \$17,180. 5th, Say School, expenses \$33,720, and receipts \$27,720. I come now to the primary schools. In 1867, out of a population of 296,400 children from two to fourteen years old, there were 139,615 on the rolls of the primary schools of Paris, and 16,085 were received in the establishments which are called children's asylums (*salles d'asile*). Paris had, at that time, 414 boys' schools (111 public schools and 303 free schools). There were 957 girls' schools (848 free and 109 public). The statistics of 1877 give the number of 322,954 children, of which there were 113,190 between the ages of two and six. Out of this number there were 26,718 in the asylums; and out of 209,764 children who were between six and fourteen years, 168,729 were on the rolls of the schools, whether public or free. In that year, 1877, the number of schools for boys was 391 (141 public and 250 free). These numbers show an increase of the public element (30 schools more) and a diminution of the free element (53 schools less). The schools for girls numbered 867, in which there were 144 public schools (increase of 35) and 723 free schools (diminution of 125). In 1877 the asylums were increased to the number of 146. In a period of ten years, from 1867 to 1877, the number of children admitted to these various establishments had increased by 39,795. But the infantine population had meanwhile increased from 296,000 to 323,000—that is to say, by 27,000. You will see also a marked tendency towards a diminution of the free schools, as the public schools have increased in ten years by 65 and the free schools have diminished by 178. This result is owing chiefly to a better management of the public schools. Better houses have been provided for the new public establishments, with larger courts and more healthy rooms.

Whatever may be the defects of our Municipal Council, and they are numerous, it must be confessed that it is animated by a strong desire to promote primary education. "Let us teach our masters to read," said Robert Lowe, when the parliamentary reform was discussed in England. Our Councillors, who are the nominees of universal suffrage, are very anxious to teach universal suffrage to read. But they show themselves very adverse to clerical education. Not only do they desire to keep the clerical masters out of the municipal schools; they would like to abolish even the most simple religious education, such as prayers, the reading of the New and Old Testament, the Catechism. They even go so far in their materialistic zeal as to try to suppress the old and revered religious emblems in the schools. The cross, which is generally the only ornament of the bare walls of the schools, is an object of aversion with many of them. So far, our Councillors have not succeeded in closing all our municipal schools against the congregations. The workmen of Belleville and Montmartre, though imbued with communistic and materialistic ideas, prefer in their hearts to have their young children confided during the whole day to the priests, in the schools for boys, and to the Sisters in the schools for girls. There is very near my house a municipal school kept by Sisters, and from my windows I can see the children during their

recreation. I hear their singing, for music is taught them, and I see at times the girls occupied in washing clothes, in keeping the rooms in order. I have been for years witnessing at a distance the working of this school. I often meet the children in their promenade. They are clean and seem very happy under the mild rule of the admirable women who devote their whole life to what is in their eyes a religious object. Every day almost some carriage stops before the door of the school; there is a committee of ladies of the quarter who go by turns to inspect the school. Altogether, the whole system seems to be conceived in a true Christian spirit.

It is a great pity that such schools as this, and they form the majority still of the municipal schools, should be persecuted by our councillors. Each year they pass a resolution closing the schools against the clerical element; each year this resolution is rejected by the Prefect of the Seine, as the congregations for the teaching of youth are authorized by the state. Hitherto the quarrels of the Municipal Council with the church have had no effect, as the general Government, the Executive, and the Chambers has shown no intention of beginning a *Kulturkampf*. The situation, however, is rapidly changing. The present Minister of Public Instruction, M. Jules Ferry, is not only a theoretical free-thinker, he is aggressive; he has just brought before the Chambers a bill which is aimed at the exclusion of the Church from the higher education. I will not go now into the details of this bill, but clearly if the anti-clerical and, in my opinion, anti-liberal view of a monopoly of state education prevails in the Chamber, the members of the educational congregations will soon be shut out of the primary schools in Paris. Such a step would not only have the character of a religious persecution, it would, at least for a number of years, throw immense difficulties in the way of the education of the people. The lay element is not numerous enough at present for all the schools of Paris and of the country. The expenses of a lay school are larger than the expenses of a clerical school, as the members of the educational congregations are satisfied with a minimum of wages which is absolutely insufficient for men and women who live an ordinary life. If a revolutionary law could be voted to-morrow forbidding clerical education all over the country, it may safely be affirmed that two-thirds of the children of France would have to renounce education till new lay teachers in very large numbers could be procured.

The last census of Paris shows that the population is composed of 1,754,000 Catholics, 32,000 Lutherans and Calvinists, and 23,500 Jews. The mayors of the arrondissements of Paris, who are the nominees of the central Government (there are seventeen mayors), are the connecting link between the church and the state. These mayors hold half municipal and half imperial functions; it is so all over France, and the dualism of their character has always been the reason why their election could not be left entirely to the universal suffrage of the inhabitants. We have had many laws on the election of the mayors; sometimes they have been appointed by the Government quite arbitrarily; sometimes the Government chose them only from the list of the municipal councillors, who are elected directly by the people; sometimes the law has been different for the great towns and for the villages. The mayor represents directly, not the electors but the central Government, in a thousand instances. He supervises the lists made of all the men who come of age and who enter the army; he is a sanitary officer, with large executive powers; he controls the registration of deaths, births, etc. The mayors of Paris have two and sometimes three *adjoints*, who are also appointed by the Home Minister. The mayor is, by right, a member of the vestry of the churches. These vestries were instituted in 1810. They consist of a delegation of the churchmen, and superintend all the expenses of the church, except the salary of the priests, the ministers, and the rabbis, who are paid directly by the state. The vestries see to all the reconstructions and repairs of the churches and presbyteries. The gifts of the churchmen are one of their resources, but they draw their main receipts from the interments, from what is called in France the *pompes funèbres*. The municipal tax on interments is marked in the budget of 1879 for \$76,000.

Since the law of April 9, 1811, the municipalities are the proprietors of all the churches. They are in consequence bound to repair them, but the law applies first to these repairs the whole revenue of the vestry, and it is only when this revenue is insufficient that the municipality is bound to pay for the difference. The city of Paris has to keep in repair 113 religious edifices; it has, therefore, a religious budget. There are, however, some churches which are classed among the historical monuments—the finest and largest of them, of course, such as Notre Dame and Saint-Germain-des-Prés. These religious monuments are considered as a

part of the national treasury, and are kept up at the expense of the state. On an average the city of Paris pays about \$46,000 for repairs, and it has to give besides annually \$36,400 for the lodgment of priests or ministers. \$80,400 is a very trifling sum for a city like Paris, but our radical Councillors are incessantly at war with these items. There is also a constant war between the Municipal Council and the administration of the "*pompes funèbres*." The legislation on interments goes as far back as Prairial 23, year XII. Article 22 of the law of that date says: "The vestries of the churches and consistories shall *alone* have the right to furnish the carriages, hangings, ornaments, and generally what is used in interments for their pomp and decency." The article adds that the vestries shall have the right to exercise this privilege themselves or to farm it to a company, which will act under the control of the municipal authority. The vestries, therefore, give all the care of interments either to one of their own officers or to a company which pays them a rent. It is said by the Municipal Councillors that the profits of the great company which has the farming of the interments are scandalously large. I doubt it; and certainly the expenses of interment are not as large in Paris as they are in London. The Municipal Council has, of course, many quarrels with the "*pompes funèbres*" on account of the civil interments. The company treats with the vestries of the churches; its rates include, in consequence, a journey to and from the church; it cannot well alter them when the visit to the church is declined. You see at once that each civil interment becomes the source of a conflict.

I will not dilate on the technical services of Paris—the streets, the sewers, the water-works, etc.—though the subject is very interesting, but I will in my next letter give you an idea of the finances of the city.

Correspondence.

"COMPARISONS ARE ODIIOUS."

TO THE EDITOR OF THE NATION:

SIR: Mr. Bartlett, in the seventh edition of his 'Familiar Quotations,' besides giving the quotation "Comparisons are odorous," from Shakspeare—"Much Ado about Nothing," Act iii. Sc. 5—refers at page 666, under the head of "Proverbial Expressions which are of Common Origin," to the following authors for the other form of Dogberry's maxim—"Comparisons are odious": Burton, 'Anat. of Mel.,' Pt. iii. Sec. 3; Heywood, 'A Woman killed with Kindness,' i. 1; Donne, El. 8; Herbert, 'Jacula Prudentum.' He also (p. 150) cites Granger, 'Golden Aphroditis.' All of these authors (except perhaps the last) were so nearly contemporaneous that this phrase was apparently a popular proverb in their time. Burton lived 1576-1640; Herbert, 1593-1632; Donne, 1573-1631; Heywood wrote as early as 1596, and died in 1649. I am unable to ascertain Granger's date by any sources accessible to me, including Allibone. "Much Ado about Nothing" was entered in Stationers' Register, August 4/23, 1600. It is possible, though not probable, that three of the authors named used the expression as early as Shakspeare did. And Dogberry's comical blunder seems to show that Shakspeare meant, as a little touch of nature, to have him stumble over a saying that was in everybody's mouth. But Mr. Bartlett has overlooked the source whence Shakspeare may have derived it, or at least a source greatly antedating Shakspeare. In 'De Laudibus Legum Angliæ,' by Sir John Fortescue (circa 1394-1484), the Chancellor says to the Prince, in discussing the comparative merits of the common law and the civil law: "I remember a saying of yours, my Prince, that *comparisons are odious*, and therefore I am not very fond of making them" (chap. xix.) The 'De Laudibus' was written by the Chancellor while in exile in Holland from 1463 to 1471, as a book of instruction for his royal pupil, Prince Edward. From the mode of expression adopted in the sentence quoted we may, perhaps, infer that even this "saying" was a proverb.

C. E. SHEPARD.

FOND DU LAC, WIS., March 31, 1879.

YELLOW-FEVER ON BOARD THE "PLYMOUTH."

TO THE EDITOR OF THE NATION:

SIR: The return of the U. S. S. *Plymouth* to Portsmouth, N. H., with yellow fever on board presents a phase in the yellow-fever discussion which deserves and will receive investigation. While the *Plymouth* was lying at Santa Cruz, W. I., last autumn, several cases of yellow fever occurred. There had been but little intercourse with the shore, and one

of the cases was that of a marine who had not been out of the ship since its arrival in the tropics. The ship returned at once to the United States, and remained during the past winter at the Navy-yard, Boston. For more than a month of that time the ship was in dry-dock, with no fires on board, and became thoroughly chilled. The officers and men were transferred from the ship, and the stores landed on the wharves and exposed in the open air to the cold weather, or placed in warehouses not heated. The temperature in the ship at times was as low as zero (Fahrenheit), and water froze in all parts of the ship. Large quantities of sulphur were also burned in the ship, the hatches and air-ports being carefully closed. Considerable repairs were made in the woodwork of the ship, a quantity of rotten wood being removed, the ship having been continuously in service since October, 1874.

On the 15th of March the ship sailed for a cruise in the West Indies, and on the 23d turned back on account of yellow fever again appearing on board. The ship had only reached lat. 27° 40' N., not having come within the limits of the tropics. The maximum temperature of the air on deck was 77°; but the temperature of the berth or sleeping deck had risen on the 19th for a short time to 88°, when the hatches had been battened down on account of a gale of wind.

The most probable reason for the germs of the fever remaining on board seems to be the presence of a considerable quantity of rotten wood which, not weakening the ship, was allowed to remain. From the porous nature of rotten timber it would naturally be very difficult to eradicate the infectious element either by freezing or fumigating. The report of the medical board detailed by the Navy Department to examine the matter is looked for with great interest. The question of a national refrigerating ship may receive some light from the proposed investigation.

NAVY.

U. S. S. "PLYMOUTH," April 9.

SOURCES OF SPANISH-AMERICAN HISTORY.

TO THE EDITOR OF THE NATION:

SIR: The seventy-second report of Proceedings of the American Antiquarian Society, although somewhat in the mutual-admiration style, is still of much scientific interest. There are, for instance, two papers on Yucatan which ought by no means to be overlooked. One of them is written by Dr. Augustus Le Plongeon, the other by his devoted wife. The doctor is a courageous, hard-working, enthusiastic field-archæologist, who deserves not only full credit for his achievements, but, above all, material support for a continuation of his work in Yucatan. We overlook all his failings in the shape of hypotheses and theories (some of which even surpass the worst extravagances of the late lamented Abbé Brasseur), and cheerfully affirm that he ought to be encouraged and assisted. His excavations and collections, his photographs and drawings, should be secured in time for some American institution, and we do not doubt that a man of his activity and honest zeal would increase the number of such objects in a comparatively short time. Of course Dr. Le Plongeon would have to submit to seeing his treasures differently rated by others, and perhaps even examined critically in the light of documentary evidence somewhat different from that to which he mainly appeals.

And here permit us to suggest to Dr. Le Plongeon, as well as to Mr. Stephen Salisbury, jr., that besides the so-called field-work there is, in the shape of collections, still another branch to cultivate of a very high value. Yucatan, like any other part of Spanish America, yet contains precious remains of MSS. relations, official documents, ecclesiastical writings, all more or less of an early date. There may not be many left, although there once were many; but these few should be obtained, and archives (public or private) and private libraries should be ransacked for such a purpose. It must not be forgotten that without the help of such accessories all conclusions based upon monuments are necessarily in the highest degree suspicious. Now, if there is one Spanish-American State which has been as yet imperfectly canvassed in that line it is Yucatan. Instead of following M. Brasseur in his wildest fancies, the Worcester antiquarian would far better strive to imitate him in what made him one of the greatest lights of American archæological science—namely, his *collection and faithful publication of original documents*.

Mr. Edward Everett Hale's "Report of the Council" to some extent illustrates the urgency of cultivating the study of the older sources. The report is interesting and deserves careful reading; but it is surprising to notice that in the lengthy discussion about sources relating to the older history of New Mexico Mr. Hale omits all the most important documents of the sixteenth and of the seventeenth centuries. About Vasquez de Co-

ronado, for instance, he completely ignores the fullest report on hand—that of Castañeda y Nagera, a soldier of the expedition. The great chronicler of the Indies, Oviedo y Valdés, and his still greater successor, Herrera, are, the one completely omitted, the other barely mentioned. No wonder Mr. Hale complains about deficiency in sources! There are many others yet on hand, and, since he refers to the documentary treasures on that subject hidden in the city of Mexico, we might suggest that the second volume of Señor Joaquín García Icazbalceta's "Colección de Documentos para la Historia de México" contains valuable indirect information, whereas the "Historia de Nueva-Galicia" (of Mota-Padilla), edited by the same distinguished gentleman, is of great direct value. We allude to this because Mr. Hale's report assumes for the history of the former Mexican territories of New Mexico, Arizona, and California a number of known sources far less than that really existing and known to historians. Nevertheless, his appeal for further researches deserves to be cordially sustained. He asks only for this western country what we beg for Yucatan. Let us hope that *he*, at least, will be listened to in this case.

But the Society need not for such a purpose go much outside of the circle of its own members. Mr. Lenox, of this city, has purchased and still owns that invaluable lot of "Americana" which formed the stock of the late Mr. Ternaux-Compans's collection. How many are there of these manuscripts which have never been published? Why not, for instance, print at least Fray Pedro Simon's "Noticias historiales" in full? Mr. Lenox has in MS. the second and third volumes of this great work (the first volume alone, and a few fragments of the others, were published). A Spanish impression of Camargo's "Historia de Tlaxcala" would also be very desirable. Therefore let the American Antiquarian Society, if it really is in earnest about work on Spanish America, not forget, over the hidden archæological treasures of Yucatan, the not less important ones lying at its own door, and which need no exhumation.

A. D.

A LAST WORD ABOUT SCHOLARSHIPS.

TO THE EDITOR OF THE NATION:

SIR: The discussions on the Harvard scholarships in late numbers of the *Nation* have called attention to a subject of great interest to every one concerned in college management, and as all experience is valuable, and ours is in some respects peculiar, I offer a few words on the plan we have adopted in the College of the City of New York.

It must be noted in the beginning that the difference between our college and others in regard to the plan of helping students through financial difficulties is only one of many differences. As all our pupils are from this city, attendance here involves no separation of the student from his family, no travelling, no apprehensions of unforeseen expenses which may be encountered far from home. To enter here is a much less serious venture than to travel away to Harvard, Yale, or Cornell. Moreover, all the preparation required for admission to our Introductory Class can be obtained in the grammar-schools of the city. The outlay required after admission is also very small, inasmuch as not only tuition but books and stationery are free. It naturally happens, therefore, that while we draw upon all classes of the community, we reach out much more widely among the poorer classes than any other college in the country, and hundreds of boys enter here who have no intention of graduating, who only mean to stay a year or two, and expect then to begin to earn their own living. Among these, however, are some enterprising ones who soon come to appreciate the value of the course of training on which they have entered, and resolve to stay to the end. These generally contrive, here as elsewhere, to support themselves, wholly or in part; and so it comes about that on the same benches with the sons of some of the wealthiest men in the city there are often students who have distributed newspapers before they came to college in the morning, or who spend their afternoon in giving private lessons, or their evening in book-keeping. To some of these, however, as well as to others who were in good enough circumstances when they entered, there comes a time when even the little expense that parents have had to bear is too much, or when employment fails, and they must leave unless they can be helped in some way. To these, when their scholarship and character are good, an association of our Alumni loan, from a fund subscribed some twenty years ago, such sums as are needed. The money is loaned without interest, and with only the promise of the borrower to repay it as soon as he is able. The names of the borrowers are known to none but the trustees of the fund and the auditors of their accounts. The sums loaned to any

one student are generally small, never exceeding \$150 in any one year, the case being generally that some temporary difficulty compels the student to apply for help.

It will be observed that by this plan the two functions of stimulating the industry of the student and of helping him in financial straits are quite separated. The latter alone is the business of our Students' Aid Fund; indeed, the other meets with no great favor among us, most of us, I think, inclining to the belief that all prizes which none but the best men can hope to win stimulate only those who need no driving, and that if prizes are given at all, they ought to be arranged on a sort of handicap system, so as to draw out the second and third-rate men.

Without underrating other systems, we are disposed to look with considerable favor on our own. It gives help just where it is needed; it saves the self-respect of the student, making him, indeed, his own helper after all; it enables many a one to graduate who would not be able to do so without it; and it does its work at a surprisingly small cost. The entire fund is small, yet, as it is continually coming back and being used again, we are able to make it do a good deal of work. For instance, there have been eight students using the fund in one year, while hardly more than one or two respectable scholarships could be provided for out of the interest of the gross sum. Nor have we any difficulty in getting back the moneys loaned. Even the largest debtors have paid pretty promptly, and always with grateful acknowledgments. In the few cases in which there has been any considerable delay, actual misfortunes have interfered, and even in these the trustees look for repayment as soon as the condition of the borrowers' affairs improves a little.

The work of higher education is developing in the present day in so many different directions, and the idea which our college represents in this State is taking root so firmly in other parts of the Union, that I suppose it is fair to assume that every detail as to the difficulties encountered and the methods of meeting them is of importance.

A. G. C.

COLLEGE OF THE CITY OF NEW YORK, NEW YORK, March 26, 1879.

TO THE EDITOR OF THE NATION:

SIR: In the discussion on scholarships in your columns no mention has been made of the important differences to be taken into account in pressing any analogy between scholarships at the English universities and scholarships at Harvard. The college scholarships at Oxford and Cambridge cannot be explained without reference to the scholarships at Winchester, Eton, Harrow, and elsewhere on the one hand, and the university scholarships and college fellowships on the other. These various foundations have all of them become parts of a scheme which aims at encouraging independent study more thorough and extended than that required for a university degree, even with the highest honors. No college scholarship is awarded except by a special examination far more exacting than any matriculation examination. For this competition the studies pursued by a scholar at Winchester, Eton, or Harrow are the suitable preparation. For instance, Greek and Latin verses are required of those who hold scholarships at the public schools and at all the colleges, while at Oxford they may be dispensed with for a university degree. College scholarships given for knowledge of history, theology, or natural science require also study not necessary for a degree in honors.

The holder of a college scholarship is expected by the authorities of his college—and in many cases required—to go on with his special studies while he is reading for his degree, and to present himself for university scholarships such as the Hertford, the Ireland, and the Craven scholarships. If unsuccessful in this competition his special study still bears its fruit in fitting him to compete for a college fellowship. To successful competitors for the Hertford, Ireland, and Craven scholarships, the Derby scholarship is open *without examination*. The Derby and the Eldon law scholarships are the only university scholarships at Oxford which are to be obtained without special examination on special study.

At Harvard, on the other hand, no special matriculation examination is passed by candidates for scholarships, no special examinations are held at any time during the college course for scholarships, and no work beyond that necessary for a creditable degree is required of scholars. Stated yearly examinations are held which *must* be passed by all candidates for a degree. According to the result of these examinations scholarships are awarded to those who qualify as candidates by showing that they need the money. Remove this qualification, and the Harvard scholarships will be open in a sense very different from that in which college scholarships in England are open. Among the sons of rich men the number of those who have such an interest in their work that they will make every

effort for a creditable degree, is larger than the number of those who would find time and inclination to pursue a continuous course of independent study before and after entering college. Hence the special examinations held for scholarships in England are a safeguard, and not more than ten out of every hundred scholarships fall to those who have not been spurred to independent study by the need of money. There is therefore good reason to fear that, by opening the Harvard scholarships to all alike, the authorities of that college would find a disproportionate number of its scholarships passing into the hands of students who neither needed nor worked for the money, but might take it as a pleasant accompaniment of interesting work done for a degree. To this there is no parallel in the administration of English scholarships.

Very respectfully,

A UNIVERSITY SCHOLAR (Oxford).

CAMBRIDGE, MASS., April 6, 1879.

Notes.

J. B. LIPPINCOTT & CO. have in press 'A Guide to the Popular Terms in Science and Art,' by C. Banks Brookes; 'The Climate of America,' its influence in health and disease, by Dr. William Pepper; 'Tales of Old-Thule,' collected and copiously illustrated by J. Moyr Smith; Camoens's 'Lusiad,' translated into English verse in the Spenserian stanza by Robert Ffrench Duff; a rhythmic prose translation of Virgil's 'Æneid,' by Henry Hubbard Pierce, U.S.A.; and 'Rabelais,' by Walter Besant, in "Foreign Classics for English Readers" series.—The last volume of "Ancient Classics for English Readers," upon Pindar, by the Rev. F. D. Morice, M.A., published by the above-named house, contains as good an account as we have seen of a poet who is well known only to a few among scholars even. Its chapters afford a clear knowledge of the place of the Greek games in Greek life, and show the working of a poetic mind upon them as illustrations of human powers; and the very brief account of the philosophy and morals of Pindar indicates the principles to be noticed in studying his poems. The translations are from the anonymously published work of the Lord Bishop of Salisbury, and are spirited and musical.—A. D. F. Randolph & Co. will shortly bring out, under the title of 'A Life Worth Living,' a biography of Mrs. Emily Bliss Gould, of Rome, by the Rev. L. W. Bacon.—D. Appleton & Co. will be the American publishers of the school series of "Classical and English Writers," to be edited by Mr. J. R. Green.—G. P. Putnam's Sons announce for early publication 'Talks on Art,' a translation of the late Thomas Couture's 'Entretiens d'Atelier'; 'Sketches and Studies in Paris,' by Edmondo de Amicis; 'Thoughts on the Religious Life,' by Joseph Alden, D.D.; 'The Round Trip,' by way of Panama to the States and Territories of the Pacific Coast, by John Codman; and 'Railroad Accidents: their Causes and Prevention,' by Charles Francis Adams, jr.—Apropos of 'The King's Secret,' D. Lothrop & Co., Boston, issue a new edition, at a reduced price, of the "Bungener Historical Series," namely, 'Bourdaloue and Louis XIV.,' 'Louis XV. and his Times,' 'Rabaut and Bridaine,' 'The Tower of Constance.'—Those who wish to understand thoroughly the grounds of the decision of the Board of Enquiry in the case of Gen. Fitz-John Porter will be materially aided by a colored map printed in last week's *Army and Navy Journal* in connection with the report itself, which is republished in full.—We have received from Portland, Oregon, the second Catalogue of the Library Association of that city. It is a neatly-printed octavo of 174 pp. in double columns, and in its arrangement it principally follows the Catalogue of the Mercantile Library of San Francisco—a safe guide. For the catchwords of the Catalogue a rather fatiguing type has unfortunately been chosen.—From the Pacific Coast we have also received a sheet of photographs of Chinese lepers in the San Francisco pest-house, "dedicated by the *California Demokrat*, Fredk. Hess & Co., publishers, to the Friends of Chinese Immigration throughout the United States." The friends of Chinese immigration are perhaps not so numerous as the foes of demagogic and faithless legislation; and, as a contribution to the recent discussion which ended in the President's veto, this pathological broadside has about as much force and pertinency as a similar exhibit of European syphilitic patients would have on the question of admitting foreigners to the Treaty ports of China.—Mr. F. W. Christern sends us the third series of Alexandre Dumas, jr.'s, 'Entr'Actes.' The new volume, still preserving a sort of chronological order, opens with a preface to Quatrelles's 'Le Chevalier Beauteemps.' This is succeeded by the author's famous 'Homme-femme' (June, 1872), which solves the interesting question, "Faut-il tuer

la femme adultère ? Faut-il lui pardonner ?" with the final word addressed to his imaginary son, "Tue-la." A long preface on Goethe's 'Faust' (July, 1873) is the most valuable part of the contents. About the still fresh prefaces to 'Manon Lescaut' and 'Daphnis et Chloé' we have lately had our say; the latter concludes the volume, and, curiously enough, is made to follow directly the address in which Dumas awarded the Montyon *prix de vertu*. We should also mention the author's *discours de réception* at the French Academy, an eulogium on Lebrun.

—*Polybiblion* informs us that the Boston Public Library is about to publish a catalogue of its rich collection of Spanish books, and "has entrusted the task to Mr. Ticknor, well known for his labors on Spanish literature."—In the course of its ninth volume, *O Novo Mundo*, the Brazilian illustrated monthly, published in this city, has reached its one hundredth number, and the editor, Mr. J. C. Rodrigues, who was its founder and is also its publisher, celebrates the occasion in a novel and interesting manner. The entire number is occupied, for the text, with notable articles reproduced from the past volumes, and, for the plates, with the cream of the full-page illustrations covering the same period. In a brief and modest preface Mr. Rodrigues relates the remarkable success of a "journal published 5,000 miles from the country in which it circulates, and in a country where, out of forty million inhabitants, perhaps not more than a hundred use the idiom in which it is printed." *O Novo Mundo*, in fact, is one of the most widely circulated journals in Brazil, and justly also one of the most esteemed. It has well fulfilled its aim of making the United States known both in its moral and material aspects to the people of the great southern empire.

—The Quincy (Mass.) Public Library has issued its first supplement, including the additions since September, 1875. There are a few short explanatory notes, but the long "notes by the trustees," which made the main work one of the best of our American catalogues, have been omitted, not because they had proved not to be useful, but because "the trustees" (a pseudopolym under which was concealed, our readers may remember, Mr. Charles Francis Adams, jr.) have not had time to prepare them. Nevertheless the supplement has the general appearance of having been prepared under the care of one who steadily kept in mind the purpose of a catalogue in a town library, to furnish as much assistance and stimulus as possible to untrained readers. One good feature has been retained and extended. Under Fiction the titles of novels are almost always followed by a few explanatory words, as "Woman-Hater [English life. Education of women]," "York, A, and Lancaster Rose [Girl life in England at the present day]," "Vineta [Eastern Germany. Polish insurrection of 1863]." Any one who remembers how seldom the titles of novels are anything but a puzzle and a delusion will appreciate the aid given by this simple device to readers who flatter themselves that they can improve their minds by novel-reading, and try to exercise some little judgment in the selection of their amusement. "Fiction, Juvenile," is divided into classes suited to "Boys 11 to 14," "Boys 12 to 16," "Boys from 12 upwards," with similar rubrics for children and for girls. There is one new and entirely original feature—a collection of titles of "Short Stories, which have appeared in periodicals, and have not been republished. They can usually be read at one sitting, and are intended to form a selection for the use of those who wish for light reading, and do not care to begin a long book." Surely the force of condescension can no further go. At the Conference of Librarians in Philadelphia it was considered doubtful whether public libraries ought to have any fiction at all, and for years we have been listening to denunciation of the mental weakness that will not read philosophy and science and history, and persists in calling for 75 per cent. of works of the imagination; and yet here is provision made for the babes, for whose intellectual digestion even a novel is too heavy. Is there any lower depth?

—We have received the prospectus of a "Society for the purpose of furthering and directing archaeological and artistic investigation and research." Its projectors anticipate from it great services "not only to the science of archaeology, but to classical and Biblical studies, and to the fine arts, by quickening interest in antiquity and by increasing the resources of our universities and museums." The fund created by annual assessments is to be used for the equipment and support of expeditions of research. When a membership of one hundred is assured, a meeting will be called for the purpose of organization. The circular is signed by President Eliot, of Harvard, by several professors, and by well-known citizens of Boston. Persons desirous of joining such a society are requested to send their names to Prof. C. E. Norton, Cambridge, before April 21.

—Mr. W. J. Stillman, whose success in photography has been marked, proposes to issue one hundred sets of a series of photographs illustrative of Tuscan Gothic, and Renaissance architecture, provided a sufficient number of subscribers is obtained. They will be taken by the Woodbury-type or autotype process, according to the fitness of the negative for one or the other method. There will be twenty-five views with a folio, the prints being cut to 7x5 and mounted on cardboard 10x14, at a cost of \$20 per set. Mr. Stillman's thorough acquaintance with art will ensure a good choice of subjects, and he will avoid those which are commonly to be found. The series cannot fail to be valuable to students of architecture.

—*L'Art* for the 23d of March, 1879, contains a long article in answer to Mr. Vedder and to the numerous allusions to the way in which he was treated last autumn. The editors must have felt it an important matter, that they should give it a page and a half, in fine print, of their awkwardly large format. Mr. Vedder's letter is given in English, and a translation into French of a part of it, and then the reply takes the following shape: First, it is said that if Mr. Vedder objects to the engraving of two pictures when he had consented to only one, the editor apologizes for that "*malentendu*" (of course Mr. Vedder cared nothing about that!); secondly, the editor declines to admit that he is bound to praise the picture he reproduces; third, it is stated that this is not the first time that *L'Art* has criticised pretty sharply works which it has reproduced, and that artists could be named, worth certainly as much as Mr. Vedder, who have preferred criticism to silence, and have offered their work again after unfavorable criticism on previous occasions; and, finally, it is reasoned at considerable length that criticism must be free, and that M. Tardieu was discharging a duty in saying what he thought. It is true that a journal is not bound to praise unreservedly the works of art which it reproduces by permission of their authors; it is true that criticism ought to be free and uninfluenced even by good-nature. Probably no person not immediately interested as an advocate of Mr. Vedder's work would have objected to criticism of anything like an usual character; but to visit with unmeasured blame the pictures which you have asked permission to copy is not the thing. It must be observed that not one good quality was admitted in Mr. Vedder's work; it was abused heartily, and the drawings made from the pictures were praised at the pictures' expense. Now, that is not criticism at all, unless the pictures were of the very worst and lowest order, and, if they were as bad as that, why were they engraved at all? Mr. Vedder certainly had a right to resent the treatment he received; and *L'Art* has got itself into this scrape merely by entrusting to a writer who is not sufficiently critical, and not light-handed enough, the difficult task of criticising works from a new country and not quite submitted to old canons.

—A very fully annotated bibliography of Tennyson's works, with the addition of some interesting biographical and critical matter, has been lately published under the title of 'Tennysonianana' (London: Pickering & Co. 1879). It contains an account of all the poems which Tennyson wrote, or is supposed to have written, some of which, from their rarity, are almost unknown, and a description of all the editions, with reprints of many variations in the readings. Tennyson has been so given to working over his poems after they have been printed that, with such a guide as this book, one can easily study the poet's art and see his taste and judgment at work, selecting, refining, rejecting, until the more perfect form emerges before our eyes. No one could study the alterations in "The Princess," for example, through five editions without gaining a useful knowledge of artistic workmanship in poetry. The volume contains also an interesting comparison of passages from the "In Memoriam" with some from Shakspeare's sonnets, a long list of Scriptural references in the poems, some striking classical parallels (though we notice with surprise an entire omission of all Tennyson's obligations to Theocritus), a description of the poet's portraits, a complete bibliography of English editions, and a list of more than a hundred critical notices in magazines. The glimpse we get of the poet's college life with Arthur Hallam, Kemble, Dean Alford, and Lord Houghton is very pleasant, and the account of the unfavorable reviews of his early works (in one of which Christopher North calls Arthur Hallam a "crazy charlatan") is amusing. An excellent index closes the volume.

—Among recent English announcements we note the following: 'Travels with a Donkey in the Cevennes,' from the lively pen of R. Louis Stevenson; 'A Nook in the Apennines: a Summer beneath the Chestnuts,' by L. Scott; a selection from Wordsworth's poems, by Matthew Arnold, for Macmillan & Co.'s "Golden Treasury Series"; a new volume

of 'Public Addresses,' by John Bright, edited by Prof. Thorold Rogers, and consisting of extra-Parliamentary speeches only; a volume of 'Essays on Art and Archaeology,' by C. T. Newton, a collection of lectures, memoirs, and articles representing a period of nearly thirty years; a new edition of Smith's 'Dictionary of Greek and Roman Antiquities'; 'The History of the Administration of John de Witt, Grand Pensionary of Holland,' by James Geddes; and a systematic exhibit of George Combe's contributions to education, edited by William Joly, one of H. M.'s Inspectors of Schools.

—The sixth and last concert of the Chickering Hall series, under Mr. Carlberg, took place on Saturday night. It opened with a vigorous rendering of Beethoven's overture to "Coriolanus." Mr. Wilhelmj, whose presence sufficed to attract a numerous and appreciative audience, played for the first time in this country a concerto by Rubinstein. This delightful composition, which is entirely different in form and style from other violin concertos, afforded the artist an opportunity of displaying all the breadth and fulness of his tone. The first movement is a beautiful andante. There are no break-neck bravura passages in it; nothing but an uninterrupted flow of a lovely melody for the solo instrument, of that dreamy Eastern character which distinguishes Rubinstein's best efforts. The second movement is brilliant and more in the virtuoso style, but all technical difficulties seem to vanish before Mr. Wilhelmj's marvellous execution. He played later a Rêverie by Vieuxtemps, one of those tiresome, commonplace melodies which might well have been omitted. Miss Beebe sang an aria by Mozart, "Non temer, amato bene." Though a great favorite with lovers of English glees and ballads, she lacks voice, training, and taste for a work of this kind. She was encouraged by the applause of her numerous friends to give as an encore a song by Mr. Bartlett. A very insignificant orchestral composition, "Love Scene," from an opera by Hamerik, hardly calls for more than a passing mention. Schubert's great Symphony in C—great in every sense of the word—was very finely rendered by Mr. Carlberg's orchestra.

—In reviewing this series of concerts we must confess that if Mr. Carlberg has not always been successful in offering interesting programmes he has paid a judicious regard to the forces at his disposal. His orchestra at the beginning of the season was composed of heterogeneous elements, and he was a stranger to them, as they were to him. Considering all this, Mr. Carlberg has done good and honest work, for which he deserves credit. One great fault in the programmes has been that they were invariably too long. The very first concert comprised two symphonies, the D minor by Schumann, and the A major, No. 7, by Beethoven, besides Spohr's "Concerto dramatique," played by Mr. Remenyi, and followed, as encores, by mazurkas, nocturnes, etc., by Chopin and Mendelssohn. The second concert opened with Bargiel's overture to "Medea." Mr. S. B. Mills played Beethoven's G major concerto, No. 4; and a romanza from Suite No. 1 by Nicholl, and Mendelssohn's Scotch Symphony in A minor, were the remaining orchestral numbers. The third concert opened with Mendelssohn's overture to "Ruy Blas" ("by special request," as the programme alleged). Beethoven's fourth Symphony in B, an orchestral scene from Wagner's "Siegfried," and a gavotte by Martini, arranged for string instruments by Mr. Duleken, were also performed at this concert. Mr. Hoffman played Brüll's Piano-forte Concerto, which he later in the season repeated at one of the concerts of the Philharmonic Society. The fourth concert was far more interesting than any of its predecessors, and was, all things considered, the best of the series. Raff's poetical symphony, "Im Walde," received a very fair rendering. Mr. Rummel was the soloist of the evening, and played with unusual brilliancy and fire Schumann's Piano-forte Concerto in A minor, Liszt's Hungarian Fantaisie, and, as an encore, the finale of Weber's "Concertstück." A very fine rendering of Wagner's "Eine Faust Overture" was the principal feature of the fifth concert. The rest of the programme contained nothing of stirring interest. The soloists were two young ladies, Miss Josephine Bates, who played Beethoven's Concerto in C minor, and Miss Gertrude Franklin, who sang an air from Handel's "Acis and Galatea," neither of whom succeeded in making any impression by their efforts. In fact, in all these concerts not one of the lady solo singers was above the average.

—The mediæval drama has recently received two important historical contributions. The first, by Professor Alessandro D'Ancona, 'Origini del Teatro in Italia: Studi sulle Sacre Rappresentazioni, seguiti da un'appendice sulle rappresentazioni del contado toscano' (Florence, 1877), is an introduction to the same author's 'Sacre Rappresentazioni dei secoli XIV., XV., XVI.' (Florence, 1872, 3 vols.) The latter work contained a selec-

tion of the religious plays peculiar to Tuscany, and the collector promised in the preface to publish soon a volume on the history, sources, and form of these plays. After an interval of five years appear two volumes instead of one; and, although mainly devoted to Italy, their range is wider than might be expected from the title. The first eighty pages are devoted to a general history of the mediæval drama outside of Italy. Following in the footsteps of the late Édouard Du Méril, the author traces the two main sources of the modern drama, the classical drama and the liturgy, and then passes to a consideration of the religious drama in Italy. He first proves that the plays mentioned in various parts of the country during the thirteenth and fourteenth centuries were probably dumb shows and pageants. The real source of the sacred drama in Italy is to be found in the religious exercises of the Flagellants of Umbria in the latter half of the thirteenth century. The simplest form was the *lauda*, a popular hymn, based on the liturgy, which afterwards became dramatic in its character, but was only sung, not acted. The second stage was the *devozione*, which was acted in the churches, and from which sprung the two forms of the Italian sacred drama, the *sacre rappresentazioni* and the popular *maggi*. The *devozione* spread from Umbria and appeared in the fifteenth century in Florence as the *sacra rappresentazione*. Henceforth Tuscany is the home of the new drama and sets the fashion for the rest of Italy. D'Ancona then traces very fully the history of the *sacre rappresentazioni* through the fifteenth and sixteenth centuries; the remainder of the work being given to a consideration of their external and internal forms. The appendix contains an interesting account of the popular dramas, the *maggi*, still performed by the peasants in various parts of Tuscany. The most interesting result of D'Ancona's studies is the proof that the Italians possessed all the elements of a national drama, which the Renaissance destroyed by substituting for the already flourishing popular drama developed from the liturgy the artificial and scholarly drama imitated from the Latin theatre.

—The other work alluded to concerns more particularly the French drama, and is entitled 'Le Drame chrétien au Moyen-Âge,' by Marius Sepet (Paris, 1878). It is a collection of articles which have already appeared in various French periodicals, and is divided into six parts. The first, *La Tragédie française et le Drame national*, contains a brief account of the liturgical origin of the drama and the profound change effected by the Renaissance, which, as in Italy, destroyed the national drama. The writer sees the necessity of a return to the popular traditions interrupted in the sixteenth century by the Renaissance if France wishes to create a national theatre. The next two articles are intended to acquaint the reader with the French mediæval drama, the author selecting for examination the cycles of Christmas and Easter, in each exhibiting the progress from the liturgical to the semi-liturgical drama, and then to the perfected *mystère*. The fourth article, *Les Vies de Saints*, gives an idea of the miracle play, the subject of the one in question being a miracle of St. Nicholas. The following article describes in a very vivid manner the mode of performance of a *mystère* at the end of the fifteenth century, and the final article gives an account of a Christian drama in the sixteenth century ("The Murder of Cain," by a Norman priest, Thomas le Coq). M. Sepet's book, which is intended to be popular in the best sense, will be found very readable, and will doubtless attract attention to a subject too long neglected and by which modern literature may well profit. More technical as well as more recent is the same author's 'Les Prophètes du Christ: Étude sur les origines du Théâtre au Moyen-Âge' (Paris, 1878), of which the object is to show that the mediæval drama sprung from the religion of the Middle Ages, just as the classic drama did from the ancient religion. To prove this M. Sepet traces a religious drama from a sermon of St. Augustine on the Nativity, afterwards one of the Christmas lessons, then a liturgical *mystère*, then semi-liturgical, and finally an integral part of the great dramatic cycle of the fifteenth century.

BLANC'S FINE ARTS AT THE PARIS EXPOSITION.*

IT is impossible to deny that there is among contemporary schools of criticism, as of art, a distinguished superiority in that of France, taken as a whole; a high average of right perception of what art is, and a general good sense in comparative judgment; and that this is almost as distinct a national characteristic as the artistic attainment, which, if no marked genius should arise in it, would still be the first, in point of learning and style, of the epoch. Every one who has studied art in Paris will

* 'Les Beaux-Arts à l'Exposition Universelle de 1878. Par M. Charles Blanc.' Paris: Librairie Renouard; New York: F. W. Christern.

have felt the influence of that artistic atmosphere which finally and imperceptibly imbues the minds of all who live in it, to a greater or less extent, with certain views of art and of its relations to nature which elsewhere come slowly and exceptionally. It is a phenomenon not easily explained, but in part probably it is due to a certain *solidarité* of all the arts, and a general recognition, if not cultivation, of them as Art—a kind of large generalization (a faculty more generally developed with Frenchmen than other nations) of all that makes Art, which serves as a basis for comparative technology, just as the knowledge of original word-roots gives facility in comparative philology.

The general mass of French art criticism in the journals of the day has for this reason a collective force, and perhaps an influence, which the literature of no other nation even suggests. If we compare the average newspaper critic of Paris with his *confrère* in London, there is a contrast as marked as there is in the general tone of society, and in this case wholly to the advantage of the Parisian. He shows not only that he knows the *salon* and has had personal acquaintance with the artists, but that that knowledge and acquaintance have done more for him than beget the familiarity which breeds contempt; they have given him an amount of education, even in the plastic elements of art, which scarcely an English critic possesses, for Hamerton is in his education as much French as English. A serious student of art can, therefore, hardly read a current French criticism without finding something in it suggestive and valuable, while one might read the Royal Academy *critiques* in all the papers of London, from the *Times* to the *Saturday Review*, without finding more than individual preferences and views, which, where they have authority even, rarely carry a suggestion of general applicability.

The collection of *feuilletons* which M. Charles Blanc has thrown into book-form have not been sufficiently digested to give them a tone above that of the newspaper; but even in their disjointed and feuilletonic shape they do not fail to show the serious and wide manner of looking at art which is characteristic of French criticism in general, nor often miss true grounds of preference or depreciation; while, on the other hand, they never attain great profundity or striking originality of view, or even poetic insight. Perhaps no better instance could have been given of that respectable and dignified breadth of judgment we have indicated as the characteristic of the school to which M. Blanc belongs. Eminent authority the book does not merit, critical genius of a distinguishing type it certainly does not show, and a certain weakness which the author betrays in the ostentation of the traces of authority indicates that in his own mind there was not that confidence in the solidity of his opinions which a clear and original judgment generally imparts. He constantly invokes evidences of the distinguished consideration in which he *has been* held, to show that his opinion is still weighty. Such passages as the following prove a vanity which is itself an impediment to sound judgment or want of faith in one's own opinions: "When we were invited by the President of the Republic to do the honors of the Salon of 1872 for him, he was surprised by this figure, . . . and did not shrink from the proposition to send the Cross of Honor to Mercié. . . . In this we also, we have pushed back (*reculé*) the limits of the public administration," etc., etc. "In advising the artist to raise . . . we gave him counsel which he hastened to follow." "If the Direction of the Fine Arts were yet confided to us we should point out to the Minister," etc. "I remember, *apropos*, that one evening, travelling on the Nile, we saw on the bank . . . *Gérôme* had time to jump ashore," etc. These passages are so many indications of a desire to give his opinions a buttress from the outside.

Nor is this the only constitutional weakness in the author's criticism. He shows a want of that power of abstraction which gets hold of the idea of the work and does not need to be helped out by accidents of material—a want which we accept in the public, where it is inevitable, but which is a disability in the connoisseur, which, *au fond*, the critic must be. "Supposing that the 'David' of Mercié were cut from a block of Carrara, what a difference between the impression which this figure would produce in marble, and the effect which it produces in the sombre material in which it has been cast. Independently of the magnificent ease which the bronze permits to the conqueror of Goliath, do we not feel that *this greenish metal, brilliant in places, has a sort of moral affinity with the action represented* and the savage hero who acts it?" It is hardly necessary to point out how utterly this confounds the expression of an ideal with the trickeries and accidents of execution, a tendency to which is indicative of nascent barbarism in art, and which appeal to the lowest and most *banal* elements of art appreciation. This is the feeling that leads to putting marble heads into porphyry or variegated stone busts to

imitate the contrasts between flesh and drapery, to tinting statues, and, still further on, to gumming hair on a portrait in place of representing it by legitimate painting. The "moral affinity" which M. Blanc finds between the green of the bronze and the slaughter of Goliath and the *farouche* character of the "David," is something so far from all the affinities of art that we do not know where even to place it. One would be glad to suppose it a careless thought overlooked in the *feuilleton*, but it recurs in various phases. "The nobility of bronze is a beautiful patina, and often the idea of propriety attaches itself to the tint of the metal." Then, as the metal in time changes tint, the idea it conveys undergoes change! Again: "The head of Eugénie Doche has been modelled by M. Delaplanche with a touch caressing and, as it were, buttery, which flowing on the flesh has expressed its sweetness, has told the delicacy of the features, and has passed in silence all that was not grace." We have translated the above literally, and no better example could be found in the book of the utterly ignoble and popular idea of representation—one which has too far invaded the minor *ateliers* of Paris with its slang and claptrap, fit to amuse the devotees of *chic*, but not to be introduced into serious criticism. The passage succeeding the above, however, shows still more completely the author's naïveté in expressing this *banal* standard of quality in execution: "It is in the same sentiment that M. Tony Noël has sculptured the bust in marble of Leonidas Leblanc, with this addition (*à cela près*), that he has employed variety in the working, and by that means opposition of color, which awaking all round the optical interest of the portrait make of it a work full of *esprit*." If the uneducated exhibition-goers are caught by these tricks of the tool, as by the curious and detestable veiled heads in marble which our countrymen abroad sometimes mistake for art, and if an artist of real talent sometimes amuses himself in this way, there is no excuse for a grave critic gravely eulogizing them, except that he considers them legitimate art: in which case we know at once where to place him.

M. Blanc's definition of style is one which touches more nearly the general interests of art nomenclature, and if he is right some of his contemporary fellow-critics must remodel their "style":

"But these pictures of Gérôme and Meissonier contain only accidental truths, examples of nature caught in the act, portraits in action—these are *genre* pictures. The talent of imitating these figures, putting in relief these truths, is not the last word of art, because the artist has found his model in life, and he has not overstepped the limits of an intelligent imitation. In contemplating those phases of life and of nature which offer only fleeting events, perishable examples, the artist has the privilege of raising himself up to the idea of a type which has no exact counterpart in nature, to the conception of the species which does not perish. This permanent side of human character, this typical truth of forms—that is style [*voilà ce qui est le style*]. . . . Woe to the schools of painting which no longer aim at style—that is to say, beauty of form, generic and untrammelled by conditions [*la beauté inconditionnelle et générique des formes*], which is its poetry—to attach themselves only to *genre*, which is only its accidental interest and its prose! Wishing to find a medium between these two extremes, style and *genre*, an artist of eminence and rare sagacity, Paul Delaroche, conceived the historical *genre*, otherwise the modernization of history."

Well might one say, *en passant*, "Vixere fortes ante Agamemnona!" Where were the Dutchmen who only modernized history? And there was a certain Benjamin West who, with all his demerits, modernized history before the great Frenchman was born! But let that pass. We only want Delaroche to show us exactly what Blanc means by "style." As we read him, we cannot find wherein is the difference between his "style" and the generally accepted "ideal." David, according to this definition, had style, and Delacroix had not. Delaroche himself in the centre of his "Hemicycle" had style, and in the wings had not, because in the former he has completely idealized and in the latter simply painted such portraits as he could find of all the old masters, most of them realistic enough, and owing their principal value to their resemblance. The work of Titian at his best is generally accepted as the highest attainment of style in the art of painting, and the best examples of it are precisely in the most sincere and faithful portraiture—as, for instance, in the portraits of his daughter at Dresden, and the "Bella" of the Pitti Palace. In these works realization and individuality are pushed to the last degree consistent with freedom of execution: reduce them in size to the measure of a Teniers, and they will be found more elaborate than it.

But why should style in painting and sculpture differ so radically from style in all other branches of art? Elsewhere it has not relation to the subject matter, but to the manner of treatment. One of the leading artists of the past decade said to us one day, "When a painter is a little man, and works in a way peculiar to himself, we call it *manner*; when he is a great man, and does the same, we call it *style*." In spite of the eminence of

the late Director of Fine Arts, we venture to opine that he has simply confounded *style* with the usual acceptance of *ideal*, mistaking the exalted theme, the proper mode of expression of which is a style of corresponding dignity, for the mode itself. By any standard of measurement or in any branch of art style refers to manner, not matter; yet wherever M. Blanc attempts to define it, it takes the shape of an ideal.

But not to dwell exclusively on the shortcomings of the book, which is, after all, only and evidently a sample of bookmaking, feuilletons of haste bound up at leisure, M. Blanc does say some things worthy to be remembered, the more as they are the well-put expressions of the French art tendencies, which the prevailing realistic fashion tends to obliterate. His definition of art is welcome:

"Art being an interpretation of nature by the human intelligence, or, as Bacon puts it, '*homo additus nature*,' it is evident that pure imitation is not art, if at least the imitator does not allow to appear in his copy something which renders it superior to inert nature [in which case it is no longer imitation], the soul; and that which nature does not possess, thought. It is impossible to imitate a pretty woman better than her looking-glass imitates her when she looks into it, and yet the looking-glass is not accepted as an artist; and even if its image were fixed, as it is in the lens of the photographer, the image would never be taken for a work of art. Why? Because the human element is insignificant compared to that of the machine. The intervention of the human soul is, then, absolutely necessary in any work in order that the presence of art should be recognized in it. Consequently, the greater the extent of imitation the more trivial is the art."

There is nothing new in this, but it cannot be too variously and authoritatively kept in view in a country where art is not yet well formed, and where education of the entire thinking classes will have much to do in forming it. Of all the essays which compose the book those which relate to sculpture have the greatest value. In the technique of painting the author seems quite aloft; his estimates of the comparative value of works are generally sound, the reasons for them frequently curiously astray.

GRANT DUFF'S MISCELLANIES.*

THE writer of these papers is an exceptional man even in the British Parliament; he would be still more so if viewed in the light of our western civilization. Though still in the meridian of life (he was born in 1829), he has been for a good many years an authority in England on subjects relating to foreign politics. A volume of his collected 'Studies in European Politics' was reprinted in Edinburgh in 1866, the original articles, which relate to Spain, Russia, Austria, Prussia, the Germanic Diet, Holland, and Belgium, having been published in the *North British Review*, the *National Review*, and *Fraser's Magazine*. The Elgin District of Burghs, which Mr. Grant Duff has represented in Parliament for more than twenty years, and of one of which (Banffshire) he is a native, is on the northwest coast of Scotland, having a population of less than thirty thousand, and a constituency of electors of only thirty-six hundred. To this small and remote constituency he has for some years past delivered a series of addresses on home and foreign politics which have not been equalled in the breadth and variety of their learning by the speeches of any other English statesman. A volume of these addresses, entitled 'Elgin Speeches,' was published in Edinburgh in 1871. Mr. Grant Duff has also been a prolific writer in the *Fortnightly* and *Contemporary Reviews* and in the *Nineteenth Century*, besides publishing a variety of addresses and pamphlets on literary subjects and political questions. He was for several years during Mr. Gladstone's administration Under-Secretary of State for India, and subsequent to that time made an extended tour through the British Indian Empire, the results of which were published in several articles in the *Contemporary Review*. One of his most instructive papers on Indian affairs was published, if we remember rightly, in the *Fortnightly*, under the title "Is India worth retaining?" As the question was regarded by him from the standpoint of an advanced Liberal and was answered in the affirmative, it is worthy of perusal at the present time, when India is getting to be considered as an expensive and troublesome ornament of the Imperial Crown.

The peculiar field, however, of Mr. Grant Duff's studies has been that of Continental politics. His estimate of the value of such studies is well expressed in one of his latest essays:

"The truth is," he says, "that no European politician who aspires to be really a statesman can afford nowadays not to know pretty intimately France, Germany, England, and, we may add, Italy. If he does not take

the trouble to do this he is quite sure to nourish prejudices from which a wider survey of men and things would have saved him."

Since the death of Mr. Sumner is there any American statesman who considers European politics a necessary part of his education? For the future guidance of our public affairs where shall we find "the men who have already been trained, or may be trained, into having that wide knowledge and balanced judgment which are the first requisites of statesmanship"? The Monroe doctrine, which proclaimed the determination of the United States not to permit the European powers to extend their systems of government to any portion of this hemisphere, certainly does not require that we should so shut ourselves up in that hemisphere as to be ignorant of what is passing in other countries of the civilized world. Civilizations and governments have but one end—the conservation of society and the improvement of the human race. Social and political progress is confined to no one country and to no one people. On the contrary, it is running, in parallel lines and with nearly equal rapidity, in many countries and in many races. Those countries which fail to recognize this and to note carefully what other countries are doing in the work of reform will speedily fall behind in the race of national competition.

The new volume of Mr. Grant Duff's 'Miscellanies' contains nine papers, which are entitled respectively, "Address at the Opening of the Section of Economic Science of the British Association at the Dundee Meeting in 1867"; "A Lecture of Egypt"; "Must We, then, Believe Cassandra?"; "Opening Address as President of the Department of Economy and Trade of the Social Science Association in 1875"; "1847 and 1876, an Address delivered at Clifton College"; "Balthasar Gracian," from the *Fortnightly Review* of April, 1877; "A Plea for a Rational Education"; "Emilio Castelar," two essays from the *Fortnightly* of June and July, 1878; and "A Speech on the Political Situation," delivered at Peterhead, Aberdeenshire, September, 1878. The papers are of unequal merit, and some of them—as, for example, that on Egypt—seem to us hardly important enough to go into permanent literature. But, taken as a whole, the volume is one of considerable value.

The tone of it is eminently healthy and invigorating. The writer is always heartily in earnest, and with all his scholarship speaks from the forum and not from the closet. His advice to young men purposing to enter public life is excellent: "Be English first of all and last of all; but be European—not to say cosmopolitan—into the bargain." He is no pessimist, and in the paper entitled "Must We, then, Believe Cassandra?" he combats with great spirit the gloomy assertions and vaticinations of Mr. Greg, in his "Rocks Ahead." The three national dangers to which Cassandra attaches most importance are: 1. The political supremacy of the lower classes. 2. The approaching industrial decline of England. 3. The divorce of the intelligence of the country from its religion. The influence of the Reform Bill of 1867 on the political future of England is still debatable ground. Mr. Grant Duff does not deny that the enlargement of the borough franchise which that bill introduced "will no doubt cause the majorities in favor of this or that party to fluctuate more than they have done." He also says, in the article on Castelar, that Great Britain, under the action of that bill, is "governed by a far more excitable public than heretofore," and that demagogues are to have more influence in future than in past politics; but he has an abiding faith in the intelligence and in the honesty of the classes which have heretofore governed, and which still govern, the British Empire. If any one doubts the correctness of this conclusion, let him turn over the pages of Dod's 'Parliamentary Companion,' and see how unchanged the character of the House of Commons is from that of twenty years ago. The titled and educated classes, the learned professions, and the two services—the army and the navy—still make up nearly the whole body of members of the lower House. Especially is this the case in the Liberal party—the party of progress and reform. The very small number who have purchased a parliamentary seat by wealth acquired in trade have allied themselves to the Tory party, with the unerring instinct which leads them also to join the national church.

On the score of religious faith the author asserts that the world, and especially the English world, is steadily advancing. He freely admits that the strength of ecclesiasticism and of creeds is declining, but holds that while many of the outworks of Christianity have been abandoned as untenable, the fortress of Christian faith is stronger than ever.

"L'Eglise a été dépassée, et s'est dépassée elle-même. Le Christ n'a pas été dépassé." "Observe," he says, "how entirely the mocking Mephistophelian view has died out in those who are most strongly opposed to existing beliefs—how reverent is the tone of the very men who are prayed for and preached about in the churches."

* Miscellanies, Political and Literary. By Mountstuart E. Grant Duff. Member for the Elgin District of Burghs. London and New York: Macmillan & Co. 1878. 8vo, pp. 315.

"At no previous period in the history of the world has Christianity, as represented in the Gospels, or in the lives and works of the best of its followers, exercised so powerful an influence on public affairs as in the last thirty years. . . . The settlement of the *Alabama* controversy on the part of England was, as has been well said, at once one of the best pieces of statecraft and one of the most Christian acts recorded in history."

The article on Emilio Castelar is valuable as presenting in an epitomized form the life, labors, and opinions of that statesman. He is already better known to American readers than most of his European peers and contemporaries, from the appreciative articles of Col. Hay and from his own elaborate contributions to the history of the Republican movement in Europe, also published in one of our periodicals. Though presumably the most conspicuous representative of democracy now to be found in Europe, he is not to be classed among the subverters of existing institutions, otherwise than by the slow action of progressive reforms. In a speech which he delivered at a great banquet given in his honor at Rome, under the management of Mancini, Depretis, Crispi, and others, we find the following remarkable passage:

"You have made Italy one; you have made Italy free; you have made Italy independent. All this you, who are without doubt the most favored of the generations, have attained by having reunited to the efforts of previous generations, and to their martyrdoms, the vital idea *par excellence*, the powerful idea *par excellence*, the idea of liberty. But it is not enough to have succeeded. It is necessary, at all costs, to keep what you have got. A long experience teaches us how much easier it is to found than to consolidate public liberties. For the first, one great but common and rudimentary virtue is sufficient, the virtue of courage. For the second are required wisdom and prudence. You, who are by nature inclined to synthesis, do not fall into the error of errors—the error of looking only to liberty, and caring nothing for authority; the error of looking only to progress, and caring nothing for stability; the error of looking only to the right of the individual, and having no care for the force of the community; the error of looking only at the future, when every moment has in it the past, the future, and the present."

Notes by a Naturalist on the "Challenger"; being an Account of various Observations made during the Voyage of H.M.S. Challenger round the World in the years 1872-1876. By H. N. Moseley, M.A., F.R.S. With a map, two colored plates, and numerous woodcuts. (London and New York: Macmillan & Co. 1879.)—Mr. Moseley, a member of the scientific staff of the *Challenger*, has given in this journal a very full account of all that could be observed by one zealous man at the numerous points visited by the *Challenger* expedition on its voyage around the world. This expedition touched incidentally at the islands of the Atlantic and Southern Indian Oceans, cruised in the Antarctic ice-fields, and visited many points—some of them practically unvisited heretofore—in Polynesia and the archipelagoes of the Western Pacific. The cream of discovery in most of these regions has long ago gone to make up the fame of earlier explorers, and not much that is strikingly new could be expected to result from these brief visits. The value of this book lies chiefly in the fact that it is the record of the consecutive, rapid observations of a trained naturalist on nearly all the representative insular faunas and floras of the three great oceans. It is essentially the narrative of a naturalist whose first thoughts and steps on land and sea were turned to botanical and zoological work; but the author has a very happy style of narration, and succeeds through his own enthusiasm in interesting even the general reader in the habits of the animals, as well as in his adventures in searching for them.

Mr. Moseley gives also a great deal of interesting and important information concerning the customs and expression of the emotions among the different races visited by the *Challenger*. He is an ardent disciple of Darwin, and in reading this account of a voyage revisiting, after a lapse of nearly half a century, the scenes of many of the memorable observations made by the naturalist of the *Beagle*, one is forcibly reminded of the profound impression Darwin has produced upon modern scientific thought in every direction. This truism is nowhere better illustrated than in Mr. Moseley's observations on the pile dwellings in the Philippine Islands, and his derivation of the Swiss chalet by evolution from the lake dwellings of Switzerland. As civilization extends protection to the pile-dwelling communities in the Philippines, they leave the water and build on land, but the structures are still in every sense pile dwellings. The first step in the evolution (all stages of which are observable in the Philippines) is the enclosure of the open space under the house by a fence of palm-leaves to form a pen for pigs; next, this gives place to matting walls with a door, to form a store-room; and other houses have this space boarded in, making a permanent lower story. A further progress is shown in the substitution of pillars of masonry for wooden piles, and wooden houses are seen

standing high on open arches supported by such stone piles. In the last stage the arches are abandoned, and continuous walls of masonry support the house. In all these cases the upper story is built first and the lower one afterwards. The true pile dwelling has a platform at the entrance and a smaller one for canoes behind; and both these recur in the "pile dwelling gone on shore," where the rear platform reappears as a veranda. From the remarkable resemblance of these Malay houses to Swiss chalets—the latter having the lower story enclosed with a stone wall and used for cattle-stalls, and having also access to the living-floor by outside stairs opening on to the front veranda, and frequently a veranda in the rear—Mr. Moseley is inclined to derive the typical domestic architecture of the modern Swiss from the ancestral lake dwelling.

There are several interesting, and one or two very important, geological observations recorded, especially that of the massive eruption on Camiguin Island of a dome 450 feet high of a trachytic rock, still red and glowing in cracks, and emitting smoke, but having no crater, and closely resembling the smaller domes of the Auvergne. Nor should we omit to mention the author's observations on the structure of the ice of the antarctic icebergs, which are illustrated by some excellent colored sketches. Almost the only reference to the special work of the *Challenger*—its methods and results—is confined to a part of the last thirty pages. But this has been so fully treated by Sir C. Wyville Thomson that it is not missed here. Aside from this, the chapter in question contains what is of more general interest—a review of the life of the deep sea and its surface, and of the varied conditions amid which it exists. A valuable feature of the book is a long list of all the books and papers that have grown out of the *Challenger* expedition.

The Political Destiny of Canada. By Goldwin Smith. (Toronto: Willing & Williamson. 1878.)—The points of contact between Canada and her more powerful neighbor are so numerous that some explanation is required for the almost universal indifference in "the States" to the problem discussed by Mr. Goldwin Smith and Sir Francis Hincks in the volume before us. That even an intelligent American does not care to bestow a second thought on the political destiny of Canada arises, first, from a conviction that neither an indefinite prolongation of the colonial condition nor the achievement of a perfect nationality has any perils for the United States. Next comes the equally strong feeling that what Mr. Smith calls "the great forces" can work in only one direction—that is, away from the tutelage of the mother country and towards assimilation to the ruling polity of this continent and hemisphere. Americans, having lost with slavery their thirst for more territory, are content to let gravitation take its time. Nine out of ten would say they believe Canada will ultimately form a part of the Federal Union; not one in a thousand would lift a finger to hasten the event.

All this might seem a reason why this little book should have no interest for readers on the hither side of the border. But, in the first place, we ought not to disregard an experiment in self-government parallel to our own as well as adjacent, with points of difference which may prove instructive; and we might well be curious to know why a people with institutions so similar should on every occasion protest its opposition to the very thought of absorption in the United States, and its want of sympathy and respect for our national traits. Nor while Jingoism is flattering Canada with Imperial attentions, and while a scheme of Imperial Federation, magnificent in its conception, is being gravely discussed as if necessary and practicable, need we deny ourselves the profitable study of so remarkable a phase of politics with which we are after all intimately connected and ever shall be. Finally, we must acknowledge that in the endosmosis which is always taking place between two adjoining countries separated chiefly by imaginary boundaries, we receive much greater accessions to our population than Canada does. For various reasons New England attracts more immigrants than any other section, and in such numbers and so concentrated that they have done much to change for the worse the character of the communities in which they find employment. Those States, at least, have the same sort of interest in the political and social progress of Canada that the United States have had in the government of Ireland, or that the Northern States have in the improvement of the blacks at the South.

The polemic between Mr. Goldwin Smith (writing in the *Fortnightly Review* of April 1, 1878) and Sir Francis Hincks replying to him and being criticised in turn in these pages, unfortunately assumes a personal complexion, with which, however, we need not concern ourselves. Whether Sir Francis is a renegade Nationalist or Mr. Smith a renegade Free-trader, is of no consequence for the matter in hand. Mr. Smith's thesis is that

the connection of Canada with the mother country must sooner or later be severed as completely as that of the United States; that Canada must cast in its lot with this continent; and that wise statesmanship would shape all its measures of public policy or public improvement with reference to this forecast. He also holds that the National idea is dead beyond resurrection, and that "the ultimate union of Canada with the United States appears now to be morally certain." Confederation, not being spontaneous but brought about by external pressure, will develop principles of antagonism in at least equal degree with those of union. All the evils of parliamentary government in a dependency are aggravated "by superadding federal to provincial government." As a dependency has no foreign relations, the management of which is "the proper province of a federal government," the chief duty of such a government in Canada is "to keep itself in existence by the ordinary agencies of party—a duty which it discharges with a vengeance." Mr. Smith then enumerates the "great forces which make for the separation of the New from the Old World," and the more numerous but less weighty forces which make in favor of the present connection. Of these last the strongest appears to us, as to Mr. Smith, to be "the special attachment naturally felt by the politicians, as a body, to the system with reference to which their parties have been formed, and with which the personal ambition of most of them is bound up." He admits that "the connectionist sentiment is now dominant, especially in Ontario; that in Ontario it almost exclusively finds expression on the platform and in the press; and that the existence of any other opinions can only be inferred from reticence, or discovered by private intercourse." For the rest, "Canada, though adorned with the paraphernalia of eight constitutional monarchies (one central and seven provincial), is a democracy of the most pronounced kind; the Governor-General was not wrong in saying that she is more democratic than the United States." "At present the bane of Canada is party government without any question on which parties can be rationally or morally based."

Sir Francis Hincks is "not presumptuous enough to declare that the subsisting connection must be perpetual," but is decidedly of opinion, "in common with the leaders of both political parties," that if for any reason the chain that binds Canada to the mother country is broken, the result will be not independence, but annexation to the United States. He further agrees with Mr. Smith in regarding the projects of a Pan-Britannic Empire as utterly visionary. He believes, however, in acting as if the connection were to be perpetual, and he devotes himself to refuting Mr. Smith's theory of forces, and to sundry corrections of fact and of reasoning into which we cannot follow him. His strictures lead Mr. Smith in his rejoinder to modify some unguarded expressions and abandon some illustrations; but, after all, the issue relates mainly to the time in which a possible if not probable consummation will be reached. Sir Francis declines to dwell on his opponent's fourth great force—the economic impulsion to a union with the United States; passing it by with the remark that, "if it were practicable, the abolition of custom-houses would be beneficial to both countries." But the present protectionist movement was not needed to show that Canada fares worst from want of reciprocity; and the failure of protection either to restore prosperity to Canada or to force the United States to sue for reciprocity would seem calculated to foster a party feeling for the one measure that would ensure both prosperity and reciprocity—namely, annexation. If this be so, a decade might be ample verge for a peaceful revolution. It is to be regretted, therefore, that Sir Francis Hincks did not face this contingency boldly, and prove, if he could, that there was no ground of apprehension in regard to it. As commercial oppression led to the American Revolution, so commercial inconvenience and depression growing out of a state of dependence may well be expected to overcome the Canadian sentiment of "loyalty," in whatever sense we may understand that word. Whether this sentiment will give way all at once or successively in the provinces on which the inconvenience most presses—that is, whether the Dominion will abdicate by a sort of plébiscite, or whether, say, the maritime provinces will withdraw their allegiance and so begin the *débâcle*; and whether the tariff would be an adequate cause for the break-up of the Confederacy—are questions on which we need not speculate.

The New Puritan: New England Two Hundred Years Ago. Some account of the life of Robert Pike, the Puritan who defended the Quakers, resisted clerical domination, and opposed the witchcraft prosecution. By James S. Pike. (New York: Harper & Bros. 1879. 8vo., pp. 237.)—This is a most prolific time in historical studies. Scarcely a

month passes without the appearance of a genealogy or a monograph. The modern antiquarian does not rest satisfied with mere learning, as did his brother of a generation ago; he must preserve his knowledge in a treatise. Scattered details must be gathered into a complete structure; and the permanent research replaces the perishing memories, sometimes with brilliant success. Of this the biography before us is a striking example. Before its appearance absolutely nothing was known of its subject beyond the mention of his name in Savage's 'Genealogical Dictionary,' and the scant indexes of Colonial Records. No private papers, no personal recollections were preserved by his descendants. Tradition and history had utterly forgotten him. Yet here he is in these pages, the real man; intense but never narrow; grim and stiff-necked and high-handed, but bold and strong, and free and true. He became the leading man of his settlement, and filled the highest offices in its gift for half a century, not because of his superior culture—he hadn't it; not because he had popular manners—he did not hesitate to brave not only his neighbors, but the General Court, and even his minister; but because his mental power commanded in that age the respect that was its due. His townsmen continually called him from his farm to the field and the bench and the forum because they found him such "a useful instrument."

Born in 1616, Robert Pike was amongst the first to settle empty-handed on the fields allotted along the Salisbury marshes. He left England too young for much education, but by the time he was twenty-eight he was made a magistrate "to end small causes" in Salisbury, and four years later he was sent to the General Court. From the beginning of his public career he showed an indomitable love of free-thinking and plain-speaking. When in 1652 the General Court passed a law forbidding the Baptists Peasley and Macy to exhort the people on the Sabbath, he did not hesitate to say out boldly to his friends that the law-makers did break their oaths in passing a law so against the liberty of the country. Such audacity was intolerable. The General Court sent for him "with speed," and, upon hearing his defence, indignantly punished him not only by a fine and bonds for good behavior, but by forbidding him to vote or hold office. Great was the excitement in Salisbury and the adjoining towns, and the townsmen soon ventured the bold step of a brief, mildly-drawn petition for the revocation of the sentence on their "loving brother." The General Court stood for a moment aghast at the insolence. Then it repealed the objectionable law against free preaching, but turned in hot resentment on those who had dared to question its wisdom, and sent out at once a commission to summon the signers of the petition, and find out what they meant by it. Some apologized or evaded, but some stood firmly on the broad right of petition; and the Government was forced at last to pass the matter over, and virtually to concede the fundamental right which was claimed.

Lieutenant Pike himself was of too sturdy a fibre to retract or apologize for the truth, and it was two years before his disability was removed; but it was no sooner done than his sympathizing townsmen elected him a member of the body which had sought to crush him, and thus ended one of the first of the struggles for freedom. For all his "usefulness," it is to be feared that Lieutenant Pike was too often a thorn in the side of those in authority, not from quarrelsomeness, but from his intolerant independence. Before long, his minister, the reverend but excitable John Wheelwright, thought meet to rebuke him for the "abominable crime" of reviling his pastor and not attending divine service, and speedily found himself summoned before the doughty reviler, and bound over in high bail to the next court. Mr. Wheelwright in return excommunicated him; and one must bear in mind the intensity with which this people poured their whole energy into their religion to appreciate the excitement that ensued. A special act of the General Court had to be passed to still the storm. We cannot here follow Lieutenant (afterwards Major) Pike through the obscure details of the Indian war. Like most of his countrymen, he held the musket as firmly as the plough. But we must mention the brave and, alas! the only protest made against the mad witchcraft fever at its height—a long argument addressed to one of the magistrates admitting the possibility of sorcery, but showing the inadequacy of the evidence, and suggesting that the simplest explanation was the direct action of the evil one upon the victims. It was not long before it came very near home to him when it struck the mother of his daughter-in-law, the venerated Mrs. Bradbury.

The few details of Pike's life show its simplicity. Owning several farms, filling for half a century the highest positions his countrymen could bestow, he lived just as his neighbors did, and we peep with interest into the little house with its one great fireplace, its one table and

three chairs, its cupboard and two chests. Besides his wearing clothes he had a best broadcloth coat; his one bedstead and his fireplace were well equipped, and he had half-a-dozen godly books, and plenty of pewter for his table. If he had no carpet or window-curtain, no picture or clock, no glass, or silver, or crockery, or forks, or handkerchiefs, he did not miss them. He had no pipe, for he scorned sinful indulgence. Life was severe, but he did not know it, for it was never empty, and he was too keen-witted not to find a certain racy humor in its hardest passages. With one Sabbath experience of his we must close. Urgent business called him to Boston, and the ill-made roads were growing "rotten" in the spring thaw. As soon as the Sabbath sun should tell by its fall the end of the day he had to start, if he would be in time. He attended both services and closed the day with prayer at his daughter's house, and soon after the sun disappeared he started on horseback for the Merrimack. Unluckily, however, as he passed the house of one Winsley, who had a grudge against him, the deceptive clouds broke away, and a gleam of level sunlight from the horizon showed his error. He had started too soon and profaned the Lord's day, and neither his sixty-four years nor high standing could save him from punishment by fine. And here we must leave this energetic, God-fearing Puritan, whom neither government nor priest could subdue, nor Indian nor devil daunt.

Young Folks' Heroes of History. Pizarro: his Adventures and Conquests. By George M. Towle, author of 'Vasco da Gama.' (Boston: Lee & Shepard. 1879. 12mo, pp. 327.)—The fear that we expressed, when reviewing the 'Life of Vasco da Gama,' that the subject chosen for the second book of the series would be found a less satisfactory one, is fully justified. Not that the 'Life of Pizarro' is less well done. Mr. Towle is a skilful narrator, and has made a very graphic and interesting story. But we protest, in the name of the children who are to read this book, against this cruel and perfidious adventurer being classed as a "hero of history," and still more against a treatment of his career which wholly blinks the wickedness of his enterprise, and even deals very tenderly with the horrors of its execution. Nobody's feelings need be hurt by such mild disapproval as this (p. 203): "We may admire his courage and perseverance, his self-reliance and military genius; but we cannot but condemn many of his acts as barbarous and bloodthirsty, and his objects as covetous and selfish." We have no desire that the historian should go into hysterics over the atrocities that he narrates, but one does long for a few words of hearty indignation, such as even the calm Prescott knew how to bestow upon villainous deeds.

The next subject of this series is a more promising one, Magellan.

English History in Short Stories. Revised edition. 16mo, pp. 179. (New York: A. S. Barnes & Co. 1879.)—This little compendium contains a brief account of the reign of each sovereign, preceded by a sketch of the English Constitution and other useful matter. A descrip-

tion of each of the counties of Great Britain and Ireland follows. There is no genealogical table; but its place is supplied by a table of lines of descent, showing Victoria to be thirty-seventh in direct descent from Egbert, and twenty-eighth from William the Conqueror. It appears to be very accurate in details, but there is a strange carelessness in editing. The chapter headed "The Romans in Britain" gives two pages to this topic, then a page and a half to the Anglo-Saxon invasion, then goes on, without a break, to describe the present constitution in seventeen pages (including a sketch of heraldry), after which succeeds an account of the Heptarchy. And not merely is the running title, "The Romans in Britain," continued for the whole, but the table of contents recognizes the same division.

* Publishers will confer a favor by always marking the price of their books on the wrapper.

BOOKS OF THE WEEK.

Authors.—Titles.	Publishers.—Prices.
Airy Fairy Lillian: a Tale. (J. B. Lippincott & Co.)	\$1 25
Baths and Bathing. (D. Appleton & Co.)	40
Beecher (Rev. H. W.), Lectures to Young Men, revised ed. (Lee & Shepard)	1 50
Bland (Dr. T. A.), Life of Benjamin F. Butler. (Rivington)	1 00
Bunt (Rev. J. H.), Annotated Bible: Job to Malachi. (Chas. Scribner's Sons)	1 50
Boyesen (Prof. H. H.), Falconberg. (Dick & Fitzgerald)	5 01
Branch (O. E.), The Hamilton sponker. (Dick & Fitzgerald)	1 50
Brogie (Due de), The King's Secret, 2 vols. (Cassell, Petter & Galpin)	1 20
Buckley (Arabella B.), Fairy-land of Science. (D. Appleton & Co.)	1 50
Castlemion (H.), The Mail-Carrier. (Porter & Coates)	2 01
Clement (Mrs. C. E.), and Burton (L.), Artists of the Nineteenth Century and their Works, 2 vols. (Houghton, Osgood & Co.)	5 00
Costock (T. B.), Outline of General Geology. (Ithaca)	1 50
Cook (Rev. J.), Marriage. (Houghton, Osgood & Co.)	40
Coupland (Dr. S.), Personal Appearances in Health and Disease. (D. Appleton & Co.)	1 50
Damon (W. E.), Ocean Wonders. (Summer, Whitney & Co.)	1 50
Dick (W. B.), Recitations and Readings, No. 9. (Dick & Fitzgerald)	1 50
Dumas (A. Jr.), Entr' Actes, 3d series, swd. (F. W. Christern)	1 50
Encyclopedia Britannica, vol. IX., Fal-Fyz. (Little, Brown & Co.)	1 50
Epic of Hades: Poetry. (Roberts Bros.)	1 50
Figlar (L.), L'Anne Scientifique 1-8, swd. (F. W. Christern)	1 50
Gladstone (W. E.), Gleanings of Past Years, vols. III., IV. (Chas. Scribner's Sons)	2 01
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